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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 - - - - -
5 SARAH H. BLACK, KATHERINE BLACK, on
6 behalf of her minor children, D.B. and J.B.,
7 Plaintiffs,
8 -v- Case No: 1:16-cv-01238
9 (CBA)(ST)

10 Defendants.
11 - - - - -
12 1250 Broadway
13 New York, New York
14 May 8, 2019
15 10:30 a.m.

16 DEPOSITION of ESAUN G. PINTO, a Defendant
17 in the above-entitled action, held at the above
18 time and place, taken before Alice Schulman, a
19 Shorthand Reporter and Notary Public of the
20 State of New York, pursuant to the Federal Rules
21 of Civil Procedure, Notice and stipulations
22 between Counsel.

23 * * *

<p>1 2 APPEARANCES: 3 4 HALLING & CAYO 5 Attorneys for Plaintiffs 6 320 E. Buffalo Street, Suite 700 7 Milwaukee, Wisconsin 53202 8 BY: MICHAEL H. SCHAALMAN, ESQ. 9 10 ANTHONY J. DAIN, ESQ. 11 Attorney Pro Se 12 13272 Capstone Drive 13 San Diego, California 92130 14 (Via telephone) 15 16 KENNEDYS CMK LLP 17 Attorneys for Defendants 18 MELISSA COHENSON, BRIAN A. 19 RAPHAN, P.C. 20 570 Lexington Avenue, 8th Floor 21 New York, New York 10022 22 23 BY: TRACY P. HOSKINSON, ESQ. 24 25 MANCILLA & FANTONE LLP Attorneys for Defendants CHERIE WRIGLEY and ESAUN G. PINTO 26 260 Madison Avenue New York, New York 10016 27 28 BY: ROBERT FANTONE, ESQ., ANDREW MANCILLA, ESQ. 29 30 WINGET, SPADAFORA & SCHWARTZBERG LLP 31 Attorneys for Defendant 32 IRA SALZMAN 33 45 Broadway, 32nd Floor 34 New York, New York 10006 35 36 BY: HARRIS KATZ, ESQ.</p>	<p>Page 2</p> <p>1 2 (19 documents were hereby marked as 3 Pinto Exhibits 1-19 for identification, as 4 of this date.) 5 E S A U N P I N T O, the Witness herein, 6 having first been duly sworn by the Notary 7 Public, was examined and testified as follows: 8 EXAMINATION BY 9 MR. SCHAALMAN: 10 Q. Good morning, Mr. Pinto. 11 A. Good morning. 12 Q. We shook hands and I introduced 13 myself. My name is Michael Schaalmann. I 14 represent the plaintiffs in this litigation in 15 which you are a defendant. 16 Are you generally familiar with 17 this case? 18 A. Sure, it's been a long time, but 19 yeah. 20 Q. Thank you. Would you state your 21 name and address for the record? 22 A. Esaun Pinto, 676 MacDonough Street, 23 Brooklyn, New York. 24 Q. Mr. Pinto, have you been deposed 25 before?</p>
<p>1 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by and 4 among counsel for the respective parties hereto, 5 that the filing, sealing and certification of 6 the within deposition shall be and the same are 7 hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED that 9 all objections, except as to form of the 10 question, shall be reserved to the time of the 11 trial; 12 IT IS FURTHER STIPULATED AND AGREED that 13 the within deposition may be signed before any 14 Notary Public with the same force and effect as 15 if signed and sworn to before the Court. 16 * * *17 18 19 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 2 Esaun Pinto 3 A. No. 4 Q. I'm assuming you've had some 5 instruction from your counsel about what a 6 deposition is? 7 A. Yes. 8 Q. The only ground rules that I'll 9 just sort of remind you of is we're trying to 10 have a question and answer session which is 11 taken down as accurately as possible as we can 12 by the court reporter. 13 And so if you'll wait until I 14 finish a question, and sometimes my questions 15 are admittedly long, I will try then to honor 16 you and not to speak over your answer. 17 A. Sure. 18 Q. So we can try and do that. 19 A. Sure. 20 Q. If you don't understand a question, 21 please let me know and I'll try to ask it again 22 in a more intelligible way. If you need a 23 break, that's fine, let me know. I'd prefer if 24 you would take a break only after you've 25 answered a question, not while a question is pending. And I think those are the simple rules</p>

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<p>1 Esaun Pinto 2 that we can live by today. 3 A. Sounds good. 4 Q. Great. How old are you, Mr. Pinto? 5 A. Forty-five years old. 6 Q. Would you please tell us what your 7 education is following high school? 8 A. I went to Saint Francis University 9 on a basketball scholarship for a year and a 10 half, transferred to Texas A&M Commerce, I was 11 there for a year and a half. 12 Q. Where is Saint Francis University? 13 A. Brooklyn, New York. 14 Q. And Texas A&M Commerce? 15 A. Yes. 16 Q. Where is that? 17 A. In Texas, Commerce, Texas. 18 Q. Thank you. Did you receive a 19 degree from either institution? 20 A. No. 21 Q. Did you have any higher education 22 after you left Texas A&M Commerce? 23 A. No. 24 Q. Did you attend any course or 25 receive any training towards any licensure that</p>	<p>Page 6</p> <p>1 Esaun Pinto 2 A. I manage the operatives, I meet 3 with clients. 4 Q. I'm not so familiar with the 5 language of CPI. So what do you mean by 6 operatives? 7 A. We have guys who do surveillance 8 work, we also have guys who do security work. 9 Q. Are the operatives licensed? 10 A. Yes. 11 Q. When did you start work for CPI? 12 A. Around 2009. 13 Q. Was Mr. Bank the president at the 14 time you started working there? 15 A. Yes. 16 Q. What was your first job at CPI? 17 A. Oh, I don't remember. 18 Q. Were you an operative or were you 19 an officer? 20 A. No, I came in as the vice 21 president. 22 Q. So since you've been working for 23 CPI, you've never had a license? 24 A. No. 25 Q. Since 2009, have you worked for any</p>
<p>1 Esaun Pinto 2 you may have received? 3 A. I went to truck driving school. I 4 took a number of courses in investigative 5 things, security courses. 6 Q. What kind of security courses did 7 you take? 8 A. Armed courses, unarmed courses, 9 bodyguard courses, a number of them. Again, I'm 10 talking 20 years ago. 11 Q. Do you have any licenses? 12 A. My company has licenses. 13 Q. What is your company? 14 A. CPI Investigations. 15 Q. What license does CPI 16 Investigations have? 17 A. A private investigation license. 18 Q. Are you an employee of CPI? 19 A. I'm the vice president of CPI. 20 Q. Who is the president? 21 A. Judd Bank. 22 Q. Can you spell that? 23 A. J-U-D-D, B-A-N-K. 24 Q. Thank you. What is your role as an 25 employee of -- vice president of CPI?</p>	<p>Page 7</p> <p>1 Esaun Pinto 2 other companies? 3 A. No. 4 Q. When did you first meet Joanne 5 Black? 6 A. Somewhere around '98, '99. 7 Q. How did you meet her? 8 A. She was a client of a private 9 investigator I was working for. 10 Q. Who was the private investigator? 11 A. Patrick Bombino. 12 Q. Thank you. Is that B-O-M-B-I-N-O? 13 A. Yes. 14 Q. Do you recall what services Ms. 15 Black was engaging Patrick Bombino for? 16 A. She alleged she had a number of 17 problems, but I don't know for sure what those 18 problems were. 19 Q. Was Ms. Black residing in the New 20 York area at the time? 21 A. Yes. 22 Q. How did you meet her? 23 A. She came into my office and Patrick 24 Bombino introduced me to her. 25 Q. Did you do any work for her or</p>

<p>1 Esaun Pinto 2 assist her in any way? 3 A. I assisted her in many ways. I 4 would call it worked for her. 5 Q. How did you assist her? 6 A. I provided an ear. 7 MR. KATZ: Can you repeat that 8 answer? 9 (The record was read.) 10 Q. So you listened to her? 11 A. I listened to her. 12 Q. Did this listening experience occur 13 over more than one day? 14 A. I met Joanne every Monday at four 15 o'clock. 16 Q. Had she retained you through Mr. 17 Bombino? 18 A. She retained Mr. Bombino. 19 Q. So you were being paid to meet her? 20 A. Yeah. I was being paid to work at 21 the investigation firm. 22 Q. But it was part of those duties to 23 meet with Ms. Black every Monday at four p.m. 24 A. That's right. 25 Q. What occurred at those meetings in</p>	<p>Page 10</p> <p>1 Esaun Pinto 2 have been a little longer than that. I was with 3 Mr. Bombino for approximately ten years. I 4 don't remember exactly, ten, 12 years. It had 5 to be more than ten years, but minus the time 6 she was hospitalized. 7 Q. Well, all right, let's try and do 8 this over a chronology. It may not fit, so tell 9 me if I'm wrong. 10 A. Sure. 11 Q. We'll fix the chronology the way 12 you want to tell it. Let me just try to put a 13 framework on it. So you met with Joanne Black, 14 now I'm just talking about this every Monday at 15 four p.m. relationship. 16 A. Right. 17 Q. That lasted for ten years plus? 18 A. Ten years plus. Again, minus the 19 times that she was hospitalized. 20 Q. All right. So it would take us 21 somehow in 2008, 2009, something like that? 22 A. Yes. 23 Q. Do you recall how many times she 24 was hospitalized during this ten-year period? 25 A. Not exactly. At least two or three</p>
<p>1 Esaun Pinto 2 general? I know it was a long time ago. 3 A. We just talked. 4 Q. Just talked. Do you recall any of 5 her concerns, things that bothered her? 6 A. She had many concerns. She had 7 many concerns, concerned about a relationship 8 with her brother, a relationship with her 9 mother, a relationship with social workers. 10 There were things that she wanted 11 to do, she wanted to get a driver's license, she 12 wanted to learn how to use computers, we spoke 13 about everything. 14 Q. Did you meet with her brother, Mr. 15 Black, during any of those conversations? 16 A. No, I didn't meet her brother until 17 she was hospitalized. 18 Q. Okay. Did you meet her mother? 19 A. No. 20 Q. Did you ever meet Renata Black? 21 A. No. 22 Q. For how many years did you continue 23 this meeting her on every Monday at four p.m. 24 relationship? 25 A. Ten years. Actually, no, it might</p>	<p>Page 11</p> <p>1 Esaun Pinto 2 times. 3 Q. Did you have any role in her 4 hospitalizations? 5 A. No, other than suggesting that she 6 needed to seek help at times that I saw things 7 were a little off. 8 MR. FANTONE: I'm going to object 9 just to form. Which hospitalizations are 10 we talking about? 11 MR. SCHAAALMAN: The two or three 12 times that he just mentioned. 13 A. Between '98 and 2009? 14 Q. Right, that's what I was asking you 15 about. 16 A. Got you. 17 Q. We need to be on the same page if 18 we're going to make sense here, so thank you for 19 helping me out. 20 Did you visit her in the hospital 21 when she was hospitalized these two or three 22 times? 23 A. No. 24 Q. Did you have contact with her 25 social worker?</p>

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<p>1 Esaun Pinto 2 A. Not during that period. 3 Q. Not during this ten year plus 4 period? 5 A. No. 6 Q. Did you have contact with any 7 family members of Joanne Black? 8 A. No. 9 Q. Did Mr. Bombino ever join you in 10 these Monday meetings at four? 11 A. No. Mr. Bombino was with Joanne a 12 few years prior to me meeting Joanne. 13 Q. Do you know how Joanne found Mr. 14 Bombino to hire him for his services? 15 A. No. 16 Q. Do you know how Joanne paid for 17 your services during the ten years that you were 18 meeting with her on a weekly basis? 19 A. I don't know. 20 MR. FANTONE: Object to form. 21 Q. We'll now move up to 2009. 22 A. Sure. 23 Q. So after the weekly meetings 24 stopped -- first of all, why did they stop? 25 A. Well, my relationship with Mr.</p>	<p>Page 14</p> <p>1 Esaun Pinto 2 A. Me and Judd both worked for 3 Bombino. 4 Q. Okay. 5 A. We both left around the same time. 6 Judd Bank started CPI Investigations with 7 another individual, that relationship didn't 8 work out. Judd made an offer to me. I thought 9 about it for a couple of months and then decided 10 to join forces. 11 Q. Did you have meetings with Joanne 12 in between -- 13 A. Sure. 14 Q. -- the time when you left Bombino 15 and the time you joined CPI? 16 A. Sure. 17 Q. How did those meetings come about? 18 A. She'd call me. 19 Q. Were you compensated for those 20 meetings after you left Bombino before you 21 joined CPI? 22 A. Not all the time, sometimes. 23 Q. And if you would be compensated, 24 would she pay you directly? 25 A. Yes, she would.</p>
<p>1 Esaun Pinto 2 Bombino changed. 3 Q. Okay. 4 A. So after 2009 when I left Mr. 5 Bombino, Joanne and I saw each other on 6 different occasions. 7 Q. And what were those occasions? 8 A. It all depends on what was going on 9 in Joanne's life. 10 Q. What would cause a meeting to 11 occur, would she call you? 12 A. Yeah. 13 Q. Say Mr. Pinto, she probably didn't 14 call you Mr., but Mr. Pinto, would you like to 15 come see me or can I come to see you? 16 A. She calls me Esaun, but year, she 17 would call and say there was something she 18 wanted to talk about and we would set a date and 19 place. 20 Q. So you were then working for CPI 21 after you worked for Mr. Bombino? 22 A. Not immediately after. 23 Q. There was a time frame, a gap 24 between your employment with Mr. Bombino and 25 CPI?</p>	<p>Page 15</p> <p>1 Esaun Pinto 2 Q. During this time period after you 3 left Bombino and before you joined CPI, did you 4 have any contact with other members of the Black 5 family, other than Joanne? 6 A. I didn't have any contact with any 7 member of Joanne's family until 2013. 8 Q. Do you know whether any of the 9 Black family members knew that you were meeting 10 with Joanne? 11 A. I have no idea. 12 Q. To your recollection, she never 13 told you I told my mother I was meeting you 14 today? 15 A. She only told me about how 16 difficult her relationship was with her mother 17 and how she hated her brother. 18 Q. What did she tell you about how 19 difficult her relationship was with her mother? 20 A. She felt like her mother wasn't 21 allowing her to live. It felt like her mother 22 was restraining her from living the life she 23 wanted to live. 24 Q. During your meetings with Joanne 25 Black while you were working for Mr. Bombino, do</p>

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<p style="text-align: right;">Page 18</p> <p>1 Esaun Pinto 2 you know whether she was on medication? 3 A. At times, yeah. 4 Q. What medication was she on? 5 A. I have no idea. 6 Q. She never told you what it was? 7 A. I didn't ask. 8 Q. How did you know then she was on 9 medication? 10 A. Because she would tell me she was 11 on medication, but I wouldn't ask what the 12 medication was. 13 Q. Again, I'm going to do it in time 14 frames. While you were working for Mr. Bombino 15 and meeting with Ms. Black, did she tell you she 16 was also meeting with psychiatrists? 17 A. Sure. 18 Q. Do you know who the psychiatrist 19 was? 20 A. Actually, Dr. Shirkey was one of 21 them. 22 Q. Can you help us out with the 23 spelling? 24 A. I have no idea. 25 MR. FANTONE: You said Shirkey?</p>	<p style="text-align: right;">Page 20</p> <p>1 Esaun Pinto 2 A. I mean, I don't remember exactly, 3 but Joanne just felt like her mother was 4 preventing her from living the life she wanted 5 to live. 6 So Joanne would request doing 7 certain things, and her mom wouldn't allow it or 8 her mom would try to talk her out of it, 9 whatever the case may be. 10 Q. During the time from 1998 to 2009, 11 that ten year plus period, was Joanne living on 12 her own or was she living with her mother? 13 A. At times she was living on her own. 14 Q. Do you know why she would be living 15 with her mother as opposed to living on her own? 16 A. Not exactly, no. 17 Q. And you also mentioned a moment ago 18 she hated her brother. 19 A. Yeah. 20 Q. Did she explain to you why she 21 hated her brother? 22 A. She felt like her brother didn't 23 treat her well. She felt like her brother felt 24 like he was smarter, better, he would belittle 25 her. She felt like her brother didn't have a</p>
<p style="text-align: right;">Page 19</p> <p>1 Esaun Pinto 2 THE WITNESS: Shirkey. 3 A. He had an office somewhere around 4 9th Street, the Greenwich Village area. 5 Q. During the time you met with her 6 while you were working for Mr. Bombino, did her 7 behavior change or was she pretty constant? 8 A. The behavior changed. 9 Q. In what way? 10 A. Sometimes she was under a delusion 11 and she would seem a little more troubled than 12 others. 13 Q. Did she ever disclose to you she 14 wasn't taking medication that was prescribed to 15 her? 16 A. No. 17 Q. She never asked you to meet with 18 her psychiatrist or social worker? 19 A. Joanne has always tried to keep me 20 separate from everybody else in her life. 21 Q. Did she describe anything other 22 than, did she describe any abuse that her mother 23 was inflicting on her? 24 A. Verbal. 25 Q. What kind of verbal abuse?</p>	<p style="text-align: right;">Page 21</p> <p>1 Esaun Pinto 2 relationship with her grandmother and her mom or 3 her for that matter. 4 Q. And she never asked you to 5 intercede in any way with members of her family 6 to help her express her concerns about her 7 relationship? 8 A. She tried to keep me separate from 9 the family. 10 Q. Keep you separate, okay. 11 A. I provided the ear for Joanne that 12 her family didn't. 13 Q. Did you ever introduce her to 14 members of your family? 15 A. Absolutely. 16 Q. So I'll ask you, what family 17 members do you have? 18 A. Joanne knows my wife. She knows my 19 kids, she knows my mother, my grandmother, my 20 brothers, all of my close friends. 21 Q. So you introduced her to all the 22 people you just identified? 23 A. Absolutely. 24 Q. So besides in this ten-year period 25 meeting her on Mondays at four p.m., you must</p>

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<p style="text-align: right;">Page 22</p> <p>1 Esaun Pinto 2 have had other occasions to be with her? 3 A. Sure. 4 Q. Were they at your family occasions? 5 A. Not at family occasions, but if 6 Joanne came to meet me at my office at four 7 o'clock, and I had something to do after that 8 meeting, oftentimes I would drive Joanne 9 downtown to catch the train. In the process I 10 might have to pick up my kid, pick up my wife, 11 pick up my grandmother, so she would meet them 12 on those occasions.</p> <p>13 Q. Did Joanne attend any of your 14 family functions, like a birthday or Christmas?</p> <p>15 A. I believe she went to one or two of 16 my kids' birthday events. She attended sporting 17 events with myself and my kids.</p> <p>18 Q. These would be sporting events that 19 your kids were involved in?</p> <p>20 A. Yes, not only my kids but kids that 21 I was coaching that weren't my kids.</p> <p>22 Q. What sports were you coaching?</p> <p>23 A. Basketball and football.</p> <p>24 Q. Can you give me an estimate of how 25 many of those occasions?</p>	<p style="text-align: right;">Page 24</p> <p>1 Esaun Pinto 2 A. No. 3 Q. Do you know how long her commitment 4 was in each of those cases? 5 A. I don't remember. 6 Q. Did you lose touch with Joanne 7 Black when she left the New York area and moved 8 to other cities? 9 A. What time period are we talking? 10 Q. Good question. Let's say after you 11 joined CPI in 2009 going forward, were there 12 times that you didn't know where she was? 13 A. I always knew where she was. 14 Q. How is that? 15 A. Because she would call me every 16 day. 17 Q. Every day? 18 A. Every day. There hasn't been many 19 days that Joanne hasn't called me in the last 20 few years. 21 Q. Where do you recall she called you 22 from, where was she about? 23 A. She called me from Dallas, she 24 called me from Colorado, she called me from 25 Illinois, she called me from California. She</p>
<p style="text-align: right;">Page 23</p> <p>1 Esaun Pinto 2 A. Oh, I don't remember, probably a 3 handful. 4 Q. Did you ever, besides listening to 5 her, did you ever give her advice about how to 6 relate to her family? 7 A. I would use examples I had with my 8 own family, difficulties I had with 9 relationships in my own family. I would use 10 those to try to get her to communicate with her 11 own family better. 12 Q. Do you know whether she used that 13 advice in trying to improve her communications 14 with her family? 15 A. I believe she tried. 16 Q. The two or three times that Joanne 17 was hospitalized during this ten-year period 18 that you were with Bombino, do you know how it 19 came about that she was hospitalized, did she 20 voluntarily commit herself or did her family 21 have her committed, do you know? 22 A. I don't remember exactly, no. 23 Q. I think I asked this, but I want to 24 be sure. You didn't visit her in the hospital 25 during those times?</p>	<p style="text-align: right;">Page 25</p> <p>1 Esaun Pinto 2 called me from Arkansas, I believe. 3 Q. Did she explain why she was in 4 these different locales? 5 A. For a two-year period Joanne, about 6 two years, Joanne was gone. Joanne called me at 7 least twice a day every day, and I was upset 8 with Joanne. Joanne and I were not on speaking 9 terms at the time. 10 Q. You were not on speaking terms? 11 A. No. So I believe it was, I believe 12 it was 2011 I demanded that Joanne get help, she 13 wasn't well, and she wanted to meet me in 14 Yonkers. I sent one of my guys that she was 15 familiar with to meet her and eventually met up 16 with her. 17 I had my guy stay with her until I 18 got there. Joanne wasn't well, and I demanded 19 that she seek help. She refused to, so I had 20 one of my guys follow Joanne. Joanne headed 21 north on the New York thruway. 22 Eventually Joanne, I found out 23 Joanne got hospitalized somewhere upstate New 24 York. But Joanne would call me, like I said, at 25 least twice a day for the next couple of years</p>

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<p style="text-align: right;">Page 26</p> <p>1 Esaun Pinto 2 up until I get the call to go get Joanne or go 3 see Joanne in Colorado. 4 So I would listen to the first 5 five, ten, 15 seconds of her voice message to 6 try to ascertain whether she got the help she 7 needed, where she was, and then dealt with the 8 internal fight within myself about what I would 9 do about it.</p> <p>10 Q. What were you conflicted about? 11 A. Getting involved. 12 Q. You were hesitant to do that? 13 A. Yeah. 14 Q. Beyond being the ear that she 15 needed? 16 A. My relationship with Joanne 17 surpassed that of a professional relationship. 18 Q. You had become a friend? 19 A. I became the only family she had. 20 Surpassed friendship as well. 21 Q. Do you know how long she was out of 22 the New York area before you were asked to go to 23 Colorado to bring her back? 24 A. Out of the New York City area? 25 Q. Away from home. Let me rephrase</p>	<p style="text-align: right;">Page 28</p> <p>1 Esaun Pinto 2 that you recall? 3 A. I recall that she wasn't well. 4 That stands out. 5 Q. Did she say things that led you to 6 believe she wasn't well? 7 A. I could tell as soon as I picked up 8 the phone from Joanne's voice that she wasn't 9 well. 10 Q. Anything she said that you recall 11 that also confirmed that? 12 A. Other than where she was or what 13 she was doing, I mean, no, I don't remember the 14 details, no. 15 Q. Did you save those messages? 16 A. No. 17 Q. Did you ever share those messages 18 with any professional that Joanne had seen in 19 the past? 20 A. No. I don't have that phone line 21 anymore. 22 Q. I understand. I'm talking about 23 now at the time -- 24 A. No. 25 Q. -- Mr. Pinto, did you say I'm going</p>
<p style="text-align: right;">Page 27</p> <p>1 Esaun Pinto 2 the question. How long was she away from 3 whatever her home was? 4 A. I would assume it was about two 5 years. 6 Q. During that two-year period, you 7 never saw her? 8 A. No. 9 Q. Was there any conversation during 10 that two-year period that she was calling you 11 that you have a distinct memory of, something 12 she said? 13 A. Again, I only listened to the first 14 five to 15 seconds of the message. I didn't 15 speak to Joanne. 16 Q. She just left voicemails for you? 17 A. Yes. 18 Q. And you didn't call her back? 19 A. No. 20 Q. Why didn't you call her back? 21 A. Because she wasn't well yet. 22 Q. In the messages, was there any, 23 again, as you sit here today, I realize it's a 24 long time ago, I'm trying to piece together the 25 story. Was there anything in those messages</p>	<p style="text-align: right;">Page 29</p> <p>1 Esaun Pinto 2 to send that voicemail to some doctor? 3 A. I didn't have a relationship with 4 anybody to send it to. 5 Q. You didn't send it to any Black 6 family members? 7 A. I didn't have a relationship with 8 anybody else in Joanne's life. 9 Q. So let's forward now to the time 10 period you were asked to go to Colorado -- 11 A. Sure. 12 Q. -- to retrieve Joanne. First of 13 all, how were you contacted about that work? 14 A. I was first contacted by Cherie 15 Wrigley. 16 Q. Tell us what you remember about 17 that contact. 18 A. Sure. I was at work, I was on a 19 protection detail and I got a phone call 20 sometime that evening, it was probably ten, 11 21 o'clock at night, I answered the phone. 22 The person asked if I was Esaun 23 Pinto, I told them yes. She introduced herself 24 as Cherie Wrigley. She mentioned having 25 concerns about Joanne. She told me she was in</p>

<p style="text-align: right;">Page 30</p> <p>1 Esaun Pinto 2 Colorado trying to find Joanne. 3 She felt, she told me that she felt 4 Joanne was in a bad way, and she seemed to be 5 looking for some help. 6 Q. I take it this contact from the way 7 you described it was over the telephone? 8 A. Sure. 9 Q. Do you know how Ms. Wrigley found 10 you? 11 A. I'm not 100 percent sure of that. 12 Q. Do you have a guess? 13 MR. KATZ: Objection to form. 14 A. I don't know. 15 Q. What was your response? 16 A. I said I'll call you back because 17 she's probably going to call me within the next 18 ten minutes. Joanne's life is on a schedule 19 when it comes to me. Usually one of the first 20 people I speak to in the morning or one of the 21 last people I speak to at night, it's been 20 22 years. 23 Q. Did Joanne call you? 24 A. She sure did. 25 Q. This time you picked up as opposed</p>	<p style="text-align: right;">Page 32</p> <p>1 Esaun Pinto 2 Q. How did you respond to that? 3 A. I said Joanne, it's me. 4 Q. What else transpired in that 5 conversation? 6 A. She spoke about what was going on, 7 how she felt, her back hurting, teeth hurting, 8 and I said Joanne, I'm upset with you, you never 9 got the help you needed. 10 So I said if I come out there, 11 Joanne, you're going to get help. Joanne was 12 ecstatic, she was ecstatic, I hadn't spoken to 13 her in about two years. 14 Q. Did you then call Ms. Wrigley back? 15 A. Yeah. 16 Q. The same day? 17 A. The same night. 18 Q. What happened in that conversation? 19 A. I told her we would touch base 20 tomorrow. I'll think about what I want to do, 21 and we'll talk about what that looks like 22 tomorrow. I was at work at the time. 23 Q. The next day you had another 24 conversation with Ms. Wrigley? 25 A. Right.</p>
<p style="text-align: right;">Page 31</p> <p>1 Esaun Pinto 2 to listening to a message? 3 A. I picked up. 4 Q. And you had a conversation with 5 Joanne? 6 A. Yeah. 7 Q. What did she say and what did you 8 say? 9 A. I said what the hell is going on, 10 where are you. 11 Q. What did she say? 12 A. She said she's in Colorado. 13 Actually, actually, she hung up on me first. 14 Q. So did you call her back or did she 15 call you back? 16 A. I don't remember if I called her 17 back or she called me back. 18 Q. But you spoke shortly thereafter? 19 A. Yeah. 20 Q. What do you recall about that 21 conversation? 22 A. She said you sound like a white 23 man, that's why I hung up. 24 MR. KATZ: Can you read that back? 25 (The record was read.)</p>	<p style="text-align: right;">Page 33</p> <p>1 Esaun Pinto 2 Q. What happened in that conversation? 3 A. I told her why I was hesitant in 4 getting involved. 5 Q. Why were you hesitant? 6 A. Because my relationship with Joanne 7 exceeded a professional relationship. Joanne 8 was, my relationship with Joanne affected all 9 aspects of my life. 10 Q. Can you explain that a little bit? 11 A. Joanne had a lot of problems, a lot 12 of issues. There were things, there were things 13 that I was involved in with Joanne that were 14 difficult, they were very difficult. 15 So I didn't, it was difficult 16 because I didn't have anybody else's help from 17 her family, I didn't know anyone. It was kind 18 of just me and Joanne. 19 And then trying to get her help and 20 her refusing to get help and communicating with 21 her at times was heartbreaking, you know, 22 because it was past a professional relationship, 23 I cared about Joanne. 24 Q. So when you spoke to Ms. Wrigley 25 the next day, what did you say to her about your</p>

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1 Esaun Pinto 2 willingness to participate? 3 A. I'll do it but I can't do it by 4 myself. 5 Q. Did you tell Ms. Wrigley who you 6 needed to help you? 7 A. I needed her help. I didn't know 8 anybody else. I didn't even know Ms. Wrigley, 9 she was just the only person I was communicating 10 with, and this is the start of my relationship 11 now. 12 Q. During this 2013 call, before that, 13 did you know that Joanne's mother had passed 14 away? 15 A. Cherie told me. 16 Q. Joanne told you? 17 A. Cherie told me. 18 Q. In that conversation? 19 A. In one of those conversations. 20 Q. Joanne had never left you a message 21 about that? 22 A. I never listened that far. 23 Q. I see. So in other words, if you 24 knew Joanne was leaving you a message, you 25 didn't listen?	Page 34	1 Esaun Pinto 2 MR. KATZ: Can you just read that 3 back? 4 (The record was read.) 5 Q. And that email was followed up by 6 telephone conversations? 7 A. I don't remember. 8 Q. How much time transpired, occurred 9 between your first communication with Bernard 10 and your actual trip to Colorado? 11 A. A couple of days. There was a 12 sense of urgency. 13 Q. Was that conveyed in your 14 communications with Bernard as well? 15 MR. KATZ: Objection to form. 16 A. That was from my communication with 17 Joanne and Cherie. I don't remember how that 18 went with Bernard. 19 Q. How did you travel to Colorado? 20 A. I flew. 21 Q. Where did you meet Cherie? 22 A. Where did I meet Cherie? 23 Q. Was Cherie in Colorado as well? 24 A. No, she was gone. 25 Q. The reason I ask that is you	Page 36
1 Esaun Pinto 2 A. I listened to the first five to 15 3 seconds. 4 Q. Did you generally delete the 5 message then? 6 A. Yes. You've got to understand, 7 we're talking at least two messages every day 8 for two years. I couldn't keep those messages 9 on my phone. 10 Q. Sure. What happened next after you 11 had this conversation with, the conversation the 12 second day with Ms. Wrigley? 13 A. I think there was a communication 14 between me and Bernard, and soon thereafter we 15 made the arrangements for me to travel to 16 Colorado. 17 Q. How did you reach Bernard, how did 18 you know to contact him? 19 A. Cherie. 20 Q. She said you ought to call Bernard? 21 A. Something to that effect. 22 Q. And you spoke to him by telephone, 23 you didn't meet him in person? 24 A. I didn't meet him in person. I 25 believe I contacted him via email.	Page 35	1 Esaun Pinto 2 mentioned you needed assistance. 3 A. Right. 4 Q. Okay. And I think you said you 5 needed Cherie's assistance. 6 A. Right. 7 Q. Did you mean you needed her 8 assistance in Colorado? 9 A. No. I didn't need her assistance 10 physically. I needed somebody that I could 11 reach out in the event I needed to talk about 12 what was going on. 13 Q. Did you travel to Colorado by 14 yourself? 15 A. Initially. 16 Q. Did someone ultimately or later 17 meet you? 18 A. I had a guy there, yeah, in a 19 different part of Colorado. 20 Q. This is somebody who lived in 21 Colorado or one of your employees? 22 A. This is a guy who worked for me in 23 New York that relocated to Colorado. 24 Q. What was his name? 25 A. Jamie Bostick.	Page 37

10 (Pages 34 - 37)

<p>1 Esaun Pinto 2 Q. B-O-S-T-I-C-K? 3 A. Something to that effect. 4 Q. This is a mister? 5 A. Yes. 6 Q. When did you first meet Joanne in 7 Colorado? 8 A. A couple of days after touching 9 down. I had Joanne under surveillance for at 10 least a day or two prior to making contact with 11 her. 12 Q. Why did you choose to do that? 13 A. That's what I was instructed to do. 14 Q. What did you discover during that 15 surveillance? 16 A. She was in bad shape. 17 Q. What was she doing during that 18 surveillance that confirmed that to you? 19 A. She was wandering around, multiple 20 bags, wheelie bags, bags on her back. 21 MR. KATZ: Can you read back that 22 answer. 23 (The record was read.) 24 Q. How did you find her to do the 25 surveillance?</p>	<p>Page 38</p> <p>1 Esaun Pinto 2 A. I don't remember if it was the 3 first or second day. 4 Q. How long were you with her in 5 Colorado? 6 A. A couple of days. 7 Q. Did you tell her that you had come 8 to help her back home or you just were 9 coincidentally in Colorado? 10 A. I didn't put any pressure on her 11 initially. I tried not to put any pressure on 12 her at all because she was in bad shape. 13 Everything was a suggestion, and I provided an 14 ear again. And once I kind of had a feel of 15 where she was, then the conversation started to 16 change a little bit. 17 Q. Ultimately, were you able to bring 18 her back to New York? 19 A. Right. 20 Q. How did you do that? 21 A. How did I do what? 22 Q. Bring her back to New York. 23 A. We drove. 24 Q. Why didn't you fly? 25 A. Joanne wouldn't fly.</p>
<p>1 Esaun Pinto 2 A. I don't remember exactly, but I 3 know I got a lead from Cherie. 4 Q. Where was Joanne living when you 5 found her? 6 A. In a motel, I believe the motel was 7 in Aurora. 8 Q. After you surveilled her for a 9 couple of days, how did you approach her? 10 A. I don't remember exactly, but I 11 think I just went to her hotel room. 12 Q. Knocked on the door? 13 A. I believe so. 14 Q. She was glad to see you? 15 A. Yeah. 16 Q. What did you do next? 17 A. I took her to get something to eat. 18 Q. Did you take her to get any medical 19 assistance in Colorado? 20 A. No. 21 Q. Did you discuss with her returning 22 to New York? 23 A. She discussed that later with me. 24 Q. Later the first day you met her or 25 days after?</p>	<p>Page 39</p> <p>1 Esaun Pinto 2 Q. I assume it took you more than a 3 day to drive? 4 A. I believe it was like 36 hours, 5 something like that, through a blizzard, through 6 a tornado, a rough ride. 7 Q. Where did you bring Joanne when you 8 returned to the New York area? 9 A. We checked her into a motel in 10 Jersey City, a place she had stayed before. 11 Q. What happened next with your 12 relationship with Joanne? 13 A. My relationship with Joanne? 14 Q. I'm trying to find out what you did 15 with Joanne afterwards. You checked into a 16 motel, did you continue to meet with her, did 17 you get her medical care, what was your role? 18 A. I suggested that she get help. 19 I've been suggesting that for two years now. 20 But Joanne wasn't well, so Joanne was delusional 21 about a lot of things, and at that point it was 22 just keeping her safe, keeping her safe while 23 communicating with Cherie and Bernard about what 24 the next step is. 25 Q. Did you stay at the motel with her?</p>

Page 42		Page 44	
1	Esaun Pinto	1	Esaun Pinto
2	A. No.	2	A. I don't remember exactly, but a few
3	Q. Did you have somebody who worked	3	weeks for sure.
4	for you assigned to that?	4	Q. And then did she no longer need the
5	A. Sure.	5	bodyguards and she was left alone or did
6	Q. Is that like a 24-hour a day	6	something change?
7	assignment?	7	A. Joanne had the bodyguards with her
8	A. Absolutely, yes. As far as Bernard	8	up until she was hospitalized.
9	and Cherie were concerned, it would have been	9	Q. When was she hospitalized?
10	senseless to get her all the way back to the New	10	A. I don't remember the date, sometime
11	York area and not have eyes and ears on her and	11	in June, I believe.
12	her just run away again.	12	Q. Of 2013?
13	So I had somebody with her, there	13	A. Yes, 2013.
14	were two of my closest friends who are also	14	Q. Before she was hospitalized, did
15	bodyguards that she was familiar with. She had	15	you meet in person with Mr. Black, Bernard
16	known both of these guys for a number of years	16	Black?
17	now.	17	A. I requested it a number of times
18	Q. During that time, was she able to	18	but it never happened.
19	go about whatever she wanted to do as long as	19	Q. You didn't meet with him then?
20	your employees were with her?	20	A. He wouldn't meet with me.
21	A. Sure, they would take her shopping.	21	Q. Do you know why?
22	They took her out, I think they went to the	22	A. Why he wouldn't meet with me?
23	movies a couple of times.	23	Q. Yes.
24	Q. She wasn't locked up in the hotel?	24	A. I can assume why, but I don't
25	A. Not at all.	25	really know why.
Page 43		Page 45	
1	Esaun Pinto	1	Esaun Pinto
2	Q. What was your principal involvement	2	Q. What would your assumption be?
3	going forward then with Joanne after you had	3	A. He didn't want to.
4	returned her to New York?	4	Q. Do you know why he didn't want to?
5	A. I don't really understand the	5	A. I don't know why he didn't want to.
6	question.	6	Q. Did you meet with Ms. Wrigley?
7	Q. Sure. You had done a number of	7	A. No.
8	things, you had known Joanne for many years.	8	Q. Do you know how Joanne received the
9	A. Right.	9	hospitalization, did she go voluntarily, did you
10	Q. You had been in contact with her	10	escort her, was somebody else involved?
11	for many years, you had gone out to Colorado,	11	A. She didn't go voluntarily.
12	brought her back to New York, what next did you	12	Q. How was she hospitalized?
13	do on behalf of Joanne?	13	A. Joanne had a bad episode, it was
14	A. I just became that friend again. I	14	triggered by emergency vehicles, one of her
15	tried to convince Joanne that there was a	15	triggers, and I tried to get Joanne to calm down
16	problem and that she needed to get help.	16	and get back into her hotel room. One of my
17	Q. Were you asked to provide any	17	guys called me and said she was in a really bad
18	specific services for Joanne by Cherie once you	18	way so I responded.
19	returned to New York?	19	There was no convincing her to calm
20	A. Other than keeping her safe and	20	down. There was no convincing her to go back to
21	trying to get the help that she needed, no.	21	the hotel room. She wouldn't even allow my guys
22	Q. How long did this sort of	22	to escort her away from the area, and in trying
23	arrangement with Joanne at the motel and your	23	to flee, Joanne stepped into oncoming traffic on
24	employees keeping her safe, how long did that go	24	Route 1 and 9 in New Jersey, and at that point
25	on?	25	we had to call 911.

<p style="text-align: right;">Page 46</p> <p>1 Esaun Pinto 2 Q. Was she struck? 3 A. No, she wasn't. No, we kept her 4 from being hit, but it was a bad scene. 5 Q. At that point you realized she was 6 a danger to herself? 7 A. Yes. 8 Q. When you called 911 -- 9 A. I don't think -- I know I wasn't 10 the one to call. I believe Adrian Lawrence 11 called. 12 Q. When that happened, the ambulance 13 took her to a hospital? 14 A. Yes. 15 Q. Did she agree to go to the 16 hospital? 17 A. She didn't want to go, no. 18 Q. Were one of your associates along 19 with her in the ambulance? 20 A. No, she wouldn't allow it. 21 Q. And you weren't either? 22 A. She wouldn't allow it, she was 23 upset with me now. 24 Q. But she did get in the ambulance? 25 A. Right. So we took her property,</p>	<p style="text-align: right;">Page 48</p> <p>1 Esaun Pinto 2 of them then went to the hospital? 3 A. No. 4 Q. You don't know? 5 A. No, they didn't. 6 Q. They did not. When you visited her 7 two or three days later, was there any other 8 family member or any friend of hers at the 9 hospital with her? 10 A. Other than myself, no. 11 Q. I assume this was a locked unit? 12 A. Actually, I'm sorry, I believe 13 Adrian Lawrence was with her. 14 Q. Ms. Black, I take it, was 15 restrained in a locked unit? 16 A. Oh, yeah, she was in the 17 psychiatric ward. 18 Q. How long was she in the hospital 19 for that episode, do you recall? 20 A. A few days, not exactly, it was at 21 least a few days before she was transferred out. 22 Q. Where was she transferred to? 23 A. I believe it was Secaucus 24 Psychiatric Hospital, I believe. I know it was 25 in Secaucus, I'm not 100 percent sure of what</p>
<p style="text-align: right;">Page 47</p> <p>1 Esaun Pinto 2 again, she had a number of suitcases and wheelie 3 bags and backpacks. So we safeguarded that 4 stuff, most of that stuff. We cleared out her 5 motel room. 6 The ambulance took her to the 7 hospital, and I believe I saw Joanne a couple of 8 days later. 9 Q. Do you know what the basis of the 10 admission to the hospital was? 11 A. She was psychotic. 12 Q. So this was some sort of 13 psychiatric hospital that she was taken to? 14 A. Yeah. Actually, she was taken to a 15 hospital that had a psychiatric unit, yeah. 16 Q. Did you communicate at that point 17 with either Ms. Wrigley or Bernard Black? 18 A. I was on the phone with both of 19 them at various times during that process the 20 day that she was picked up. 21 Q. Did they give you any instructions 22 or request you to do anything more? 23 A. There was nothing else for me to do 24 that day. 25 Q. Okay. Do you know whether either</p>	<p style="text-align: right;">Page 49</p> <p>1 Esaun Pinto 2 the name of it is. 3 Q. Sure, all this is a long time ago, 4 I don't expect you to have perfect recall about 5 this. 6 How long was she in the hospital in 7 Secaucus? 8 A. At least a couple of months. 9 Q. Did you receive any instructions or 10 employment with regard to Joanne while she was 11 hospitalized -- 12 A. Sure. 13 Q. -- in Secaucus? 14 A. Sure. 15 Q. Tell me how that happened. 16 A. In communication with Cherie and 17 Bernard, I was to play the role of next of kin, 18 communicate with Joanne, communicate with the 19 staff. 20 Q. Did you get a power of attorney 21 from either Mr. Black or Cherie Wrigley in terms 22 of care for Joanne? 23 A. No. 24 Q. And did you communicate, have 25 communications with the physicians who were</p>

13 (Pages 46 - 49)

1 Esaun Pinto 2 treating Joanne -- 3 A. Yeah. 4 Q. -- in that hospital? 5 A. Yes. 6 Q. Was it part of your job to 7 communicate then with Ms. Wrigley and Mr. Black 8 about what the physicians were telling you? 9 A. No. 10 Q. Did they communicate, as far as you 11 know, directly with the physicians? 12 A. No. 13 Q. So nobody was communicating with 14 the physicians who were treating Joanne? 15 A. Other than myself, no. 16 Q. And to your knowledge, neither Ms. 17 Wrigley nor Mr. Black knew what the physicians 18 were saying about her care? 19 A. They knew what I told them. 20 Q. Well, that was sort of my question, 21 whether you were communicating what the 22 physicians told you. 23 A. You asked me if that was my job. 24 Q. That was not your job? 25 A. My job was to take care of Joanne.	Page 50	1 Esaun Pinto 2 A. She wanted to be transferred 3 someplace closer to me. 4 Q. And was part of your employment 5 when she was transferred to South Beach to visit 6 her in that hospital? 7 A. Yes. 8 Q. Did any of your associates, people 9 who were working either with you or for you also 10 visit her at the time? 11 A. Sure, both at the South Beach, the 12 Jersey City and the Secaucus hospital. 13 Q. Did they visit you with her or make 14 their own independent visits? 15 A. It depends, it depended on what 16 Joanne wanted. 17 Q. I'm going to ask you more questions 18 about what was going on, but I'm now going to go 19 to some documents which is typical of a 20 deposition. 21 A. Sure. 22 Q. Just so you know, documents are a 23 way of refreshing people's recollection and 24 focussing testimony. 25 A. Sure.	Page 52
1 Esaun Pinto 2 Q. Were they compensating you at that 3 time? 4 A. Sure. 5 Q. What happened after Joanne was 6 released from this hospital in Secaucus? 7 A. She was transferred to South Beach 8 in Staten Island. She was actually trying to 9 get a transfer to a hospital in Brooklyn. There 10 weren't any beds available and this is, this was 11 an attempt to bring Joanne closer to me. Again, 12 this relationship superceded any professional 13 relationship, this was life changing. 14 Q. And the reason you preferred it in 15 Brooklyn is because you resided in Brooklyn? 16 A. The reason why I preferred it? 17 Q. You mentioned they were trying to 18 transfer her to a hospital in Brooklyn. 19 A. This has nothing to do with what I 20 preferred. 21 Q. I see. So tell me why the transfer 22 was to -- 23 A. This is what Joanne preferred. 24 Q. I see, thank you. So She wanted to 25 be transferred to a Brooklyn facility --	Page 51	1 Esaun Pinto 2 Q. So we marked each document that I'm 3 going to show you has a sticker on it with a 4 number. That's why I'm going to describe it to 5 you that way so we have a record so everybody 6 can figure out what am I saying, what am I 7 talking about. 8 So this is a document marked Pinto 9 Exhibit 1. 10 MR. KATZ: This is Exhibit 1? 11 MR. SCHAALMAN: Yes. 12 MR. KATZ: Pinto 1? 13 MR. SCHAALMAN: Yes. 14 Q. Did you, Mr. Pinto, did you review 15 any documents in preparation for your deposition 16 today? 17 A. Sure. 18 Q. Can you tell me what you reviewed, 19 what kinds of documents first? 20 A. These kind of documents. 21 Q. Emails? 22 A. Sure. 23 Q. Did you review any other kinds of 24 documents other than emails? 25 A. Yeah, the attorney showed me a	Page 53

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1 Esaun Pinto 2 couple of things. 3 Q. Were they invoices? 4 A. That's an email. 5 Q. The invoices were attached to 6 emails? 7 A. Sure. 8 Q. Other than emails, what other kind 9 of documents did you review? 10 A. He showed me a couple of things, I 11 don't remember what you call them, but a couple 12 of things. 13 Q. When did you review these with your 14 attorneys? 15 A. In the last couple of days. 16 Q. Do you recall approximately how 17 many documents you reviewed? 18 A. I don't remember how many. 19 Q. So let's look at, this is an email 20 dated June 24, 2013 from you to Ms. Wrigley. 21 A. Right. 22 Q. Do you recall this email? 23 A. No, not particularly, but I'm 24 looking at it, I'm sure it was a communication. 25 Q. So this would be before or after	Page 54	1 Esaun Pinto 2 assuming this is Secaucus, I'm not quite sure 3 because I don't remember exactly when she was 4 hospitalized. She could have been in Jersey 5 City still. I don't know for sure. 6 Q. Okay. Do these dates of June 2013 7 refresh your recollection when you would have 8 gone to Colorado to retrieve Joanne? 9 A. That was in April. 10 Q. April, okay. You mentioned in the 11 second paragraph in your email to Ms. Wrigley, I 12 have withdrawn her from Chase account and can 13 continue if needed. I would prefer that the 14 invoice be paid. Hopefully we will gain some 15 ground with Bernie. Please keep me informed. 16 What was going on with your 17 withdrawing money from -- were you withdrawing 18 money from Joanne's Chase checking account? 19 A. Yes. 20 Q. How did you do that? 21 A. I used the ATM card. 22 Q. So obviously Joanne had given you 23 the information on the card so you could 24 withdraw money for her? 25 A. Joanne refused to use the card	Page 56
1 Esaun Pinto 2 you returned her to New York? 3 A. This is after she's returned to New 4 York. 5 Q. In the paragraph, the first 6 paragraph it says, When I return to New York, 7 she expects me to visit three times per week. 8 Do you recall where you were when you wrote this 9 if you weren't in New York? 10 A. I don't know. 11 Q. Okay. Do you recall which hospital 12 she was in when you wrote this? 13 A. I'm assuming Secaucus. 14 Q. Below there's an email from Cherie 15 Wrigley to you, do you see that and the subject 16 is billing. 17 A. Yeah. 18 Q. And she wrote, Doing battle with 19 Bernie. Do you recall what she meant? 20 A. Not exactly. 21 Q. She wrote, He wants to shut down 22 the operation and I am not going to let him. 23 What operation was she referring to, do you 24 know? 25 A. Me caring for Joanne. And I'm	Page 55	1 Esaun Pinto 2 because I believe Bernard's name was on it. 3 Q. Do you know if this was the card 4 that her mother sent her while she was on the 5 road to provide income, moneys for her? 6 A. That her mother sent her? 7 Q. Yes. 8 A. I don't think so. I don't know for 9 sure, but I don't think so. I assume that that 10 card, that account and card was generated after 11 her mother passed away. 12 Q. And you wrote, I would prefer that 13 the invoice be paid. You preferred to have your 14 invoices paid as opposed to taking money out of 15 the account? 16 A. Sure. 17 Q. And why was that? 18 A. Why would I prefer my invoices to 19 be paid? 20 Q. As opposed to taking money out of 21 Joanne's account. 22 A. It's the natural way things should 23 work. 24 Q. Mr. Pinto, there's Exhibit 2. So 25 this appears to be a continuation of the first	Page 57

15 (Pages 54 - 57)

<p>1 Esaun Pinto 2 email. 3 A. Yes. 4 Q. And you wrote, If we can get at 5 least 5K of the invoice paid it would help us 6 until we get through to Bernie. 7 At this point, had you made any 8 effort to communicate directly with Mr. Black 9 about getting your invoice paid? 10 A. I communicated with Mr. Black from 11 the beginning, from the initial email with the 12 conversation about going to Colorado, sure. 13 Q. And he had told you when you wrote 14 this email on June 24, 2013 to Ms. Wrigley that 15 he wasn't going to pay your invoice? 16 A. He wasn't paying my invoice. It 17 was difficult to get paid from Mr. Black. 18 Q. Do you know why? 19 A. Mr. Black was concerned with 20 dollars and cents and not in touch with what was 21 going on with Joanne. 22 Q. How was he not in touch? 23 A. So again, my relationship with 24 Joanne is a difficult one. I played multiple 25 roles in Joanne's life.</p>	<p>Page 58</p> <p>1 Esaun Pinto 2 and do the best I could. 3 However, in the process of all of 4 that, my expenses are going through the roof and 5 I wasn't in a position to cover all of these 6 expenses. 7 So Bernard wants to say, you know 8 what, this is too much, just call 911 and get 9 her picked up, and it wasn't that easy for me. 10 Q. What did Joanne at that time, we're 11 talking about the Colorado visit by you and 12 bringing her back to New York, what was she 13 telling you about Cherie? 14 A. She was afraid of her. 15 Q. Did she tell you why? 16 A. She felt like she was stalking her. 17 But after I got the story from Cherie, I 18 understood what Cherie was trying to do, then I 19 had a better understanding of what she was 20 trying to do. She wasn't stalking her, she was 21 actually trying to help her. 22 Q. And stalking, did you understand 23 that Joanne saw Cherie around her? 24 A. I don't know if she saw Cherie. 25 What I believe happened was that she was getting</p>
<p>1 Esaun Pinto 2 When we spoke about going to 3 Colorado to get me involved in Joanne's life, 4 again, the idea from both Bernard and Cherie 5 was, if she's going to hate the two of us, 6 meaning Bernard and Cherie, then we have to 7 figure out a way for me to continue 8 communicating with Joanne so that they, we all 9 would know what was going on with her at all 10 times. 11 So they put me in a really weird 12 position because I don't know Cherie or Bernard. 13 I know what Joanne says about the two of them, 14 but I don't know either one of them. 15 So there were a lot of situations 16 where I just had to use my better judgment and 17 what I provide for Joanne and what I provide to 18 Cherie and Bernard. 19 Keeping Joanne safe was one thing. 20 Figuring out who Cherie and Bernard was is 21 different. Joanne was giving me a story that I 22 didn't know to believe or not. 23 So all I can do at that point was 24 try to keep her safe, believe in Joanne, believe 25 that I knew Joanne better than the other two,</p>	<p>Page 59</p> <p>1 Esaun Pinto 2 reports from people at the various motels that 3 Cherie was looking for her. 4 Q. I'm going to be taking these out of 5 order and I apologize. 6 A. That's fine. 7 Q. If there's confusion, some of these 8 I'll use later but they're marked earlier. 9 A. Sure. 10 Q. This is Exhibit 5. This appears to 11 be an email from Mr. Black dated July 8, 2013 to 12 you and Ms. Wrigley. But let's see if we can 13 start, let's start on the second page which I 14 think starts the string. 15 A. Okay. 16 Q. Even though I can't really say for 17 sure since the time zones are changing this. 18 The first email on the string is on the second 19 page of Exhibit 5, it's from you, Mr. Pinto, 20 dated July 8, 2013 to Bernard Black with a copy 21 to Cherie Wrigley. You write, Hello Mr. Black I 22 have not ignored your emails or requests. 23 At the time you were communicating 24 with Mr. Black, had he asked you to do something 25 with regard to the invoices or getting you paid?</p>

16 (Pages 58 - 61)

<p>1 Esaun Pinto 2 A. Right. 3 Q. What do you recall about that? 4 A. Oh, I don't know. I don't know. 5 Q. He wrote, Joanne is doing much 6 better, I'm now on the second sentence. I have 7 met and will continue to meet with her team of 8 staff members at Meadow View. This is you 9 writing to Mr. Black. 10 A. Sure. 11 Q. Meadow View, was that the first 12 hospital she went to? 13 A. That's Secaucus. 14 Q. That's Secaucus. But by July, to 15 get the chronology right, she is now in 16 Secaucus? 17 A. Right. 18 Q. Okay. 19 A. He wanted me to put the Chase 20 withdrawals in a spreadsheet form. 21 Q. And he wanted to do that so he 22 could keep track of what the costs were? 23 A. Sure. 24 Q. And then up above he responds to 25 you, Esaun: Thanks for checking back with me.</p>	<p>Page 62</p> <p>1 Esaun Pinto 2 know what he meant? 3 A. Joanne was a sick person, make 4 problems for herself, she's a sick person, she 5 was sick. 6 MR. FANTONE: Michael, I notice 7 there's no control numbers on these. 8 MR. SCHAALMAN: Yes, that's true. 9 MR. FANTONE: Were these produced? 10 MR. SCHAALMAN: I believe they 11 were, yes, I believe they were. That's the 12 best understanding I have. 13 MR. FANTONE: Did your production 14 include control numbers? 15 MR. SCHAALMAN: Yes. 16 MR. FANTONE: So do you know why 17 there's no control numbers? 18 MR. SCHAALMAN: I don't. When they 19 were copied, the control numbers did not 20 come forward. 21 MR. FANTONE: Do you have any idea 22 what the control numbers are on these 23 exhibits? 24 MR. SCHAALMAN: I don't, but after 25 today we'll try to get you the control</p>
<p>1 Esaun Pinto 2 We're both scrambling...I'm working on extending 3 my financial guardianship, and turning it into a 4 full guardianship, in Colorado. 5 Then you wrote to Mr. Black the 6 same day, I'm meeting with the staff this 7 evening. I believe they are changing her meds 8 to the ones that Cherie said worked in the past. 9 I have the video from the day Joanne was picked 10 up but having trouble downloading it from my 11 tablet. 12 You took a video of your meeting 13 with Joanne in Colorado? 14 A. Yes, but what he's talking about 15 here I believe is the video from when Joanne was 16 picked up in New Jersey. 17 Q. So when she had her episode in 18 traffic -- 19 A. Right. 20 Q. -- and was brought to the hospital 21 by an ambulance? 22 A. Right. 23 Q. Okay, thanks. And then Mr. Black 24 writes back to you apparently the same day, 25 Joanne does make problems for herself. Do you</p>	<p>Page 63</p> <p>1 Esaun Pinto 2 numbers. And by control numbers, you mean 3 the Bates numbers? 4 MR. FANTONE: Yes. 5 MR. SCHAALMAN: I just want to make 6 sure we understand, it's the same thing. 7 MR. FANTONE: I would just like to 8 reserve the objection if any of these 9 documents haven't been produced. 10 MR. SCHAALMAN: Well, if they 11 haven't been produced, then they're not 12 responsive. 13 MR. FANTONE: I'm making the 14 record. 15 MR. SCHAALMAN: Make your record. 16 Q. Here's Exhibit 6, Mr. Pinto. This 17 is an email from you dated August 6, 2013, and 18 you refer to, this invoice is the projected 19 expenses for the next two weeks. Is your 20 recollection you would have attached the 21 invoice? 22 A. Yeah. 23 Q. Did Mr. Black ask you to make 24 projections, basically what are you going to do 25 and what's it going to cost?</p>

1 Esaun Pinto 2 A. I don't know in regards to this 3 conversation here, but Mr. Black did want to 4 know what it looked like moving forward 5 financially. 6 Q. Did Mr. Black tell you the source 7 of the moneys that he was paying you, where he 8 got the moneys? 9 A. The card, the Chase card said 10 something to the effect of estate of Renata 11 Black. 12 MR. FANTONE: Can you read that 13 back. 14 (The record was read.) 15 Q. Did you continue to use the card 16 when you were getting paid through the invoices 17 or did that stop? 18 A. When I needed to, yeah. 19 Q. So the card was sort of an 20 emergency way of taking care of Joanne's needs 21 when you were in between invoices? 22 A. And taking care of Joanne's needs, 23 if you mean also taking care of the expenses of 24 the operation, yeah. 25 Q. That's what I mean. When you were	Page 66	1 Esaun Pinto 2 sending him something related to a court, 3 otherwise you wouldn't have written it. 4 A. I guess so. I just don't know 5 where I would have gotten court records from. 6 Q. Here's Exhibit 7, Mr. Pinto. 7 Exhibit 7 appears to be an email sent to Mr. 8 Black with a copy to Ms. Wrigley, dated 9 September 4, 2013. You wrote, We are still 10 waiting for her transfer to a New York State 11 facility. 12 A. Right. 13 Q. Is that the facility you mentioned 14 on Staten Island? 15 A. That ended up being the facility on 16 Staten Island. It wasn't predetermined that 17 that's where she was going to go. 18 Q. You wrote, Hopefully she will end 19 up in Kings County in Brooklyn. 20 A. Right. 21 Q. That's another state facility? 22 A. Right. 23 Q. Did Ms. Black ever end up in Kings 24 County in Brooklyn? 25 A. No. Well, at Kings County Hospital,	Page 68
1 Esaun Pinto 2 taking out money, you were assuming this was to 3 pay for services that Joanne needed including 4 pay you if necessary? 5 A. Sure. 6 Q. In your email to Mr. Black, you 7 wrote, you should receive a package of Joanne's 8 hospital and court records this week. I assume 9 that was in response to a request Mr. Black had 10 made? 11 A. I assume so. I guess so, I don't 12 really remember. That looks pretty odd to me 13 because I don't remember anything about court 14 records. 15 Q. That's what I was going to ask you. 16 A. I don't remember about that, I 17 don't know. 18 Q. So at this point in August of 2013, 19 you don't recall that there was court 20 intervention? 21 A. I don't know what any of that was 22 about, I don't know. 23 Q. You just don't remember? 24 A. No. 25 Q. But it's likely that you were	Page 67	1 Esaun Pinto 2 no. She currently lives in Kings County in 3 Brooklyn. 4 Q. I mean the hospital. 5 A. No. 6 Q. And you're referring to a hospital 7 there when you say Kings County? 8 A. Yes. 9 Q. You're not referring to a residence 10 in Kings County? 11 A. No. Am I allowed to speak as to 12 the nature of these conversations? 13 Q. Sure. 14 MR. FANTONE: Hold on. 15 A. No, forget about it. 16 MR. FANTONE: We can take a second 17 if you want. 18 THE WITNESS: No, no, that's fine, 19 let's keep going. 20 Q. You whet my appetite, Mr. Pinto. 21 MR. FANTONE: Let's take a break 22 for two seconds. I don't understand your 23 question. 24 (The witness and counsel left the room and returned.)	Page 69

1 Esaun Pinto 2 Q. Here is Exhibit Number 9. Again, 3 I'm taking them out of order, and some of them I 4 won't use but I'm sure you won't be 5 disappointed. 6 Before we broke, Mr. Pinto, you 7 mentioned that there were some conversations you 8 had where you were going to, or could you 9 testify about conversations. Obviously I want 10 to know whatever you know and are able to tell 11 me. So what conversations were you talking 12 about just before we broke? 13 A. Oh, my attorneys said we may bring 14 that up later on. It's not pertinent now. 15 MR. FANTONE: Are you talking about 16 with respect to 7? 17 MR. SCHAALMAN: I'm talking about, 18 I wasn't sure what the witness was 19 referring to, and I'm just giving the 20 witness an opportunity to explain to me 21 what he was referring to, what 22 conversations. 23 A. All I was referring to, reading 24 over some of these emails, it's starting to 25 bring back the memories of the time and the	Page 70	1 Esaun Pinto 2 allow Ms. Wrigley to provide the support that I 3 might have needed at the time. Joanne wasn't 4 there yet. So again, this became a lot. This 5 was a lot, a heavy weight on not only myself but 6 my family. 7 Q. Would Joanne allow Mr. Bernard 8 Black to provide that? 9 A. He wasn't interested. 10 Q. He wasn't interested? 11 A. No. 12 Q. Let's look at Exhibit 9, what I 13 just gave you. So at the bottom of Exhibit 9 it 14 looks like you wrote Mr. Black an email. Hi Mr. 15 Black, as of Wednesday evening we have not 16 received either check to cover our outstanding 17 invoices. I would like to have those invoices 18 and all future invoices paid via wire transfer. 19 And then Mr. Black wrote to you on 20 the same day, correct, on September 26, 2013? 21 A. Is that a question? 22 Q. Yes, that was a question. 23 A. Yes. 24 Q. And he copied Ms. Wrigley, correct? 25 A. Yes.	Page 72
1 Esaun Pinto 2 feelings of the time. So when you were going 3 over it, I started to laugh and smile because 4 certain things start to play back in my head. 5 Q. Was there something from Exhibit 7 6 that -- 7 A. It's all of them, it's all of the 8 emails. 9 Q. What does it bring back? My job is 10 to find out what you remember. 11 A. It's bringing back some of the 12 emotions that were going on with me. 13 Q. What was going on? 14 A. I was pissed off. 15 Q. With who? 16 A. With everybody. 17 Q. Why? 18 A. I was alone, it was just me and 19 Joanne again. 20 Q. You didn't feel you were getting 21 enough support from Mr. Black and Ms. Wrigley? 22 A. Ms. Wrigley was more supportive, 23 and she was doing what she could under the 24 circumstances, I believe. But it was just a 25 lot, it was a lot, and frankly Joanne wouldn't	Page 71	1 Esaun Pinto 2 Q. He wrote Esaun, I cannot send a 3 wire today. I personally sent both letters, and 4 the second time I directly deposited in a post 5 office box. Maybe the address on your Excel 6 street is wrong? For a wire transfer, I can do 7 this in the future. 8 Did Mr. Black start wiring moneys 9 into your account as you had requested? 10 A. There were at least a few wires, 11 yeah. 12 Q. Were you being paid by wire or by 13 check then? 14 A. I don't remember exactly what we 15 were doing at this point, but there was 16 difficulty getting the invoices paid, so I was 17 trying to figure out an easier way to get it 18 done, and the wire just seemed to be a simpler 19 way. 20 Q. Here's Exhibit 10. So Exhibit 10 21 appears to be a message from you, Mr. Pinto, to 22 Mr. Black with a copy to Ms. Wrigley and the 23 date is November 14, 2013. 24 In the second paragraph you wrote, 25 Joanne is well and she is scheduled to be	Page 73

<p style="text-align: right;">Page 74</p> <p>1 Esaun Pinto 2 transferred to South Shore Hospital of Staten 3 Island on Monday, November 18th. So does that 4 sort of fill in the timeline that she went from 5 Meadow View to Staten Island? 6 A. I guess so, yeah. 7 Q. You wrote at the end, I also have 8 an additional package of records from Meadow 9 View that I will send out in the next couple of 10 days. Were those her medical records? 11 A. I guess it was anything I was 12 picking up from Meadow View, I guess so. 13 MR. SCHAALMAN: Would you mark this 14 as 20, please. 15 (9/11/14 email was hereby marked as 16 Pinto Exhibit 20 for identification, as of 17 this date.) 18 MR. KATZ: This is 20? 19 MR. SCHAALMAN: It is. 20 Q. On the first page of Exhibit 20 is 21 an email from Mr. Black to Ms. Wrigley, and you 22 seem to be copied on it, do you see that, your 23 email address? 24 A. Yes. 25 Q. Would I be correct to say that you</p>	<p style="text-align: right;">Page 76</p> <p>1 Esaun Pinto 2 A. Sure. 3 Q. What do you remember about that 4 conversation you might have had with him in 5 which you learned that? 6 A. Mr. Black was interested in seeing 7 Joanne because Cherie saw Joanne first. 8 Q. Okay. How do you know that, did he 9 tell you? 10 A. How do I know what? 11 Q. Did he tell you he was interested 12 in seeing Joanne because Cherie saw her? 13 A. No, I just know he wasn't 14 interested prior to that. 15 Q. So you sort of concluded that the 16 reason he wanted to see her was because Cherie 17 saw her? 18 A. Right. 19 Q. Were you present when Cherie saw 20 Joanne? 21 A. Sure. 22 Q. What year was that in? 23 A. That was in '14. 24 Q. And was Joanne out of the hospital 25 by that time?</p>
<p style="text-align: right;">Page 75</p> <p>1 Esaun Pinto 2 don't have any specific recollection of any of 3 these emails today? 4 MR. KATZ: Object to the form. 5 A. No. 6 Q. I'm going to point you to the email 7 from Bernard Black to Cherie Wrigley with a copy 8 to Anthony Dain, Dorothy Dain and Esaun Pinto. 9 A. Okay. 10 Q. This is dated September 11, 2014. 11 We've now sort of moved ahead a year. Do you 12 remember having any contact with Anthony Dain? 13 A. Yeah. 14 Q. When do you recall that contact 15 started? 16 A. Oh, I don't know, I don't remember 17 exactly. 18 Q. Would it have been, can you give me 19 a year, either 2013 or 2014? 20 A. I'm not sure. I'm not sure. 21 Q. So Mr. Black wrote to you, I will 22 break up my thoughts into several messages. 23 This one is directed to my visit, and Joanne's 24 desire to see Tony. Do you remember Mr. Black 25 expressing an interest in seeing his sister?</p>	<p style="text-align: right;">Page 77</p> <p>1 Esaun Pinto 2 A. Joanne was still in the hospital. 3 Q. Was she still in Staten Island? 4 A. She was in Staten Island. 5 Q. Tell me what you remember about the 6 visit of Cherie Wrigley with Joanne? 7 A. Cherie wanted to visit Joanne for 8 quite awhile. Joanne wasn't ready to see 9 Cherie. So me and Cherie talked about it for a 10 few months, and eventually I thought the best 11 thing for her to do was to send Joanne like a 12 peace offering, for Cherie to take the first 13 step in bonding and repairing this relationship, 14 so Cherie did that. And she sent Joanne, I 15 believe it was two rings that belonged to 16 Joanne's mom. 17 Q. Do you know how Cherie had those 18 rings? 19 A. I don't know. From what I 20 understand, she got a number of things that 21 belonged to Joanne and Joanne's mom. So she 22 sent the rings, and, you know, I told Joanne 23 that Cherie was going to offer this peace 24 offering. 25 Joanne didn't really have an idea</p>

20 (Pages 74 - 77)

1 Esaun Pinto 2 exactly what she wanted, but she knew that she 3 wanted a piece of her mother's jewelry. 4 So Cherie sends the two rings, I 5 present Joanne with the rings. Joanne 6 immediately got very emotional, accepted it as a 7 peace offering and allowed Cherie to start 8 communicating with her and eventually visit her. 9 Q. And how was Cherie communicating 10 with Joanne? 11 A. First through me. 12 Q. Okay, she was sending messages and 13 you were relaying those messages? 14 A. Sure. 15 Q. Ultimately, did Cherie start 16 calling? 17 A. I can't remember if Joanne was 18 calling Cherie or how that went, but it went 19 from bad to better once Cherie sent the peace 20 offering. 21 Q. Before the rings were sent to you 22 by Ms. Wrigley, had Joanne ever told you that 23 she was interested in finding out where this 24 jewelry was? 25 A. She might have. I don't remember,	Page 78 1 Esaun Pinto 2 Q. Yes. 3 A. No, it was suggested, but it wasn't 4 by me. 5 Q. Who suggested it? 6 A. There was a conversation between 7 the family. 8 Q. Were you a part of that 9 conversation? 10 A. I was a part of the conversation in 11 terms of what Joanne wanted and how bad she 12 wanted certain items, sure. 13 Q. Do you recall which items she 14 wanted more? 15 A. She wanted her mother's Matrix, 16 which I believe was a small SUV. She wanted, 17 there were some fur coats she wanted, there was 18 some jewelry she wanted, yeah. 19 Q. Did she express those desires for 20 those objects while she was in the hospital? 21 A. Sure. 22 Q. Could she have had any of those 23 objects while she was in the hospital? 24 A. It depends on what you mean by had. 25 Q. Could you park the Matrix in front
Page 79 1 Esaun Pinto 2 I don't know. 3 Q. Had that become an issue that the 4 two of you had discussed? 5 A. No, it was never an issue, not with 6 Cherie, not with Cherie being in possession of 7 Joanne's belongings. The issue was with Bernard 8 being in possession of Joanne's belongings. 9 Q. And what do you recall, what 10 belongings did Joanne believe that Bernard had? 11 A. Everything, car, clothes, jewelry, 12 money, everything. Her car, her mom's car, 13 property that she believed belonged to her now, 14 clothing, fur coats, everything. 15 Q. Did you ever find out where that 16 property that Joanne was describing was? 17 A. Yeah, I talked about it with 18 Bernard and Cherie. 19 Q. What did Bernard tell you where all 20 that clothing and cars and property was? 21 A. He was in possession of a lot of 22 that stuff. 23 Q. Did you suggest to Bernard that he 24 give it back to Joanne? 25 A. Did I suggest it?	Page 81 1 Esaun Pinto 2 of the hospital? 3 A. It wasn't about that, it wasn't 4 about that. 5 Q. Explain that to me, I don't 6 understand that. 7 A. The problem was it was in her 8 brother's possession and not in hers. So had 9 that stuff come from her brother's possession 10 into a storage unit closer to Joanne, that would 11 have satisfied Joanne. 12 Q. Including the car? 13 A. Whatever it was. 14 Q. Let's go back to Exhibit 20, the 15 one in front of you. 16 A. Yeah. 17 Q. Bernard wrote -- Cherie wrote: 18 Another item is that Joanne wants Tony to be at 19 the visit and wants all of you to meet with 20 Esaun. 21 Did Joanne express an interest in 22 having Tony visit her? 23 A. Sure. 24 Q. Was that before Cherie went to see 25 her?

1 Esaun Pinto 2 A. Sure. 3 Q. And my reaction, I believe, if I'm 4 reading this correctly is from Bernard, am I 5 right, the part that puts my reaction? 6 A. I don't know. 7 MR. KATZ: Objection. 8 MR. SCHAALMAN: Okay, let's take a 9 break. It's now basically 12:20, so let's 10 get back together if we can at ten to one. 11 Hearing no objection, which is shocking for 12 this crew, thank you. 13 (Whereupon at 12:18 p.m. a luncheon 14 recess was taken.) 15 AFTERNOON SESSION 16 (Time noted: 1:03 p.m.) 17 MR. SCHAALMAN: Alice, would you 18 read the last question and answer, please. 19 (The record was read.) 20 Q. Good afternoon, Mr. Pinto. Thank 21 you for being so prompt and returning on time, I 22 appreciate it. 23 A. No problem. 24 Q. That would mean you get out of here 25 a little earlier.	Page 82	1 Esaun Pinto 2 retain a lawyer at any time? 3 A. No, but I have lawyers I work with 4 every day. 5 Q. Sure, I'm sure you do. But I'm 6 talking about on behalf of Joanne. 7 A. No. 8 Q. Did you consult any lawyers about 9 whether you were appropriately caring for 10 Joanne? 11 A. No. 12 Q. Or whether Joanne needed to have 13 legal counsel herself? 14 A. No. 15 Q. Here's Exhibit 11. So I think 16 we've reviewed the bottom email on Exhibit 11 17 already. This is an email from you to Mr. Black 18 on November 14, 2013. 19 You refer in your email which is on 20 Page 2 of Exhibit 11, I am sending you the 21 invoices from the beginning of September through 22 December 1st. Do you recall whether those are 23 invoices going forward or are they past invoices 24 that weren't paid? 25 A. So if I sent this, if I sent this	Page 84
1 Esaun Pinto 2 A. That would be nice. 3 Q. I'm going to try to give you a time 4 frame and maybe see if you can have some 5 recollection if I do that. 6 Back in 2013 and 2014, so let's say 7 after you collected Joanne from Colorado, 8 brought her back to New York and she was being 9 hospitalized and you were involved as you were 10 involved, were you ever represented by counsel 11 during that time? 12 A. No. 13 Q. Did you know that Mr. Dain was a 14 lawyer? 15 A. Yes. 16 Q. Did Mr. Dain ever represent you? 17 A. No. 18 Q. Did you know that Mr. Black was a 19 lawyer, Bernard Black was a lawyer? 20 A. Yes. 21 Q. Did he ever represent you? 22 A. No. 23 Q. Did you have any representation, 24 legal representation about your care for Joanne, 25 let's take it all the way through 2015, did you	Page 83	1 Esaun Pinto 2 email in November of '13 and it's saying that 3 I'm sending the invoices from September and 4 October, then I don't remember exactly, but I'm 5 assuming that there was a problem somewhere. 6 Q. You were getting paid slowly? 7 A. I'm assuming that that's what 8 happened at this point. I don't really 9 remember. 10 Q. Okay. Mr. Black responded to you 11 where he copied Ms. Wrigley, on November 17, 12 2013, Esaun: I will mail you a check for 13 \$5,213, representing full payment through the 14 week of November 18. 15 Does that refresh your recollection 16 that at least at that time he made you whole? 17 A. I don't remember, I don't know. I 18 mean, I don't know. 19 Q. He wrote that Cherie and I think 20 once Joanne is moved, your visits can be cut 21 back in frequency, initially to twice per week. 22 Did you agree with that? 23 A. They're in no position to make that 24 demand. 25 Q. So you didn't agree?	Page 85

22 (Pages 82 - 85)

1 Esaun Pinto 2 A. No, because Joanne dictated how 3 much she needed to see me, not Cherie or 4 Bernard. I was caring for Joanne, not for 5 Cherie and Bernard. So what he's saying is that 6 the frequency should be cut down to twice a week 7 for financial reasons. But this wasn't a 8 financial situation. This was caring for 9 Joanne. 10 So if I needed to see Joanne five 11 times this week, I'm not going to see Joanne 12 twice because it satisfies his invoice. 13 Q. And did you tell him that? 14 A. Sure. 15 Q. Would that have been a conversation 16 you had over the phone or would that have been 17 through emails? 18 A. I've made that clear every step of 19 the way. This is not about Bernard, it's about 20 Joanne. 21 Q. Here's Exhibit 12. Mr. Pinto, 22 Exhibit 12 appears to be an email from Mr. Black 23 to you and Ms. Wrigley, dated November 19, 2013, 24 and the subject is Joanne's SSDI checks. Are 25 those her Social Security Disability checks that	Page 86	1 Esaun Pinto 2 for her to have what might be by then ten to 3 \$15,000 sitting in a bank account. 4 Did you discuss that with Mr. 5 Black, why he didn't think that she should have 6 that kind of money in a bank account? 7 A. I don't believe so. 8 Q. Did you agree with him that she 9 shouldn't have? 10 A. It was not my position to agree 11 with that. 12 MR. SCHAALMAN: Could you mark 13 these next, please. 14 (Three email chains were hereby 15 marked as Pinto Exhibits 21, 22 and 23 for 16 identification, as of this date.) 17 Q. Mr. Pinto, here is Exhibit 21. 18 MR. KATZ: 21? 19 MR. SCHAALMAN: Yes. 20 Q. This is an email sent to you from 21 Bernard Black dated September 18, 2014. Do you 22 recall this email? 23 A. Sure. 24 Q. Why do you recall it? 25 A. Because I was extremely upset.	Page 88
1 Esaun Pinto 2 he's referring to? 3 A. Yes. 4 Q. And Mr. Black writes: Esaun or 5 Cherie: What do you know about where these are 6 going. I'm not sure I have your response to 7 that in an email, but do you recall anything 8 about these SSDI checks? 9 A. Sure. 10 Q. Where were they going at that time? 11 A. At this time, I'm not quite sure. 12 Q. Where were they going when you were 13 sure? 14 A. At one time they were going to the 15 Wells Fargo account. At one time they were 16 going to a rent payee account at Citibank that 17 was set up by myself and Joanne. At one time 18 they were going to the hospital, and I believe 19 at one time they were going to Bernard. 20 Q. So as of this time you don't 21 recall? 22 A. No, I don't remember the dates and 23 the order in which all that took place. 24 Q. He also wrote, When she gets out of 25 hospital, I think it would not be a good idea	Page 87	1 Esaun Pinto 2 Q. Why were you upset? 3 A. The meeting with Joanne did not go 4 well. 5 Q. The meeting with Joanne and Bernard 6 did not go well? 7 A. Right. 8 Q. What happened? 9 A. Bernard was completely not in touch 10 with Joanne's condition, nor did he care. 11 Joanne came in like a raging, I mean Bernard 12 came in like a ranging bull, he wasn't 13 sympathetic or empathetic about anything in 14 regards to Joanne's condition. 15 He didn't care if the visit was 16 going to help Joanne or hurt Joanne. He 17 belittled Joanne. He was asked to leave by the 18 staff of the hospital, social workers, doctors, 19 eventually security, and then Bernard was 20 eventually asked and escorted to leave the 21 hospital. 22 Q. How did he belittle Joanne, if you 23 recall, what did he say? 24 A. I don't remember the exact words, 25 but it wasn't nice, and it was very pessimistic.	Page 89

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 Esaun Pinto 2 It was this is where you're going to be, this is 3 how you're going to be, you're never going to 4 get better. It was that kind of jargon that was 5 used in the meeting, as well as a lot of history 6 being brought up by Bernard that wasn't 7 necessary or even pertinent in the moment. 8 Q. What kind of history? 9 A. History of Joanne's psychotic, or 10 her psychosis or her history of hospitalizations 11 and delusions and things of that nature. 12 Q. Did you have a sense -- I'm going 13 to take you back a little bit in time now when 14 you first started meeting with Joanne back in 15 1998 and 1997, '98 and '99. 16 A. '99. 17 Q. Thank you. Did you have a sense 18 when you first started meeting with her that she 19 had had mental issues -- 20 A. Sure. 21 Q. -- or mental problems for many 22 years before she started talking to you? 23 A. Sure. 24 Q. Did you in any of your 25 conversations with Joanne ever get a sense of</p>	<p style="text-align: right;">Page 92</p> <p>1 Esaun Pinto 2 saying, or he was going to cut me off. And I 3 told him do what you got to do. 4 Q. Now, the date of the email is 5 September 18, 2014? 6 A. Sure. 7 Q. Does that refresh your recollection 8 of when this meeting with Joanne and you and 9 Bernard took place? 10 A. It was right around that time. 11 Q. Right around the same time. So he 12 writes to you, Esaun: My pleasure to finally 13 meet you. I do greatly appreciate your efforts 14 with Joanne. I thought that the visit today was 15 necessary, even if stressful for Joanne. If she 16 is going to be in the wider world, she will have 17 to deal with this and more. 18 His reference to stressful for 19 Joanne, does that reflect what you already 20 discussed about his meeting with her? 21 A. That's a very mild way of saying it 22 about something that's going to be presented at 23 a later date, yeah. He wouldn't use stressful 24 at hospital, he would use another set of words. 25 Q. What words would he use?</p>
<p style="text-align: right;">Page 91</p> <p>1 Esaun Pinto 2 how long she had had mental problems? 3 A. She told me. 4 Q. What did she tell you? 5 A. She told me that she suffered from 6 mental illness since her teenage years. 7 Q. So let's go back. Is there 8 anything else you can remember about the meeting 9 with Bernard and Joanne in 2014 that you haven't 10 told me already? 11 A. Other than, I mean, you're going to 12 get to it in this email. 13 Q. I'm going to ask some questions 14 about the email. 15 A. Sure there were things. It was his 16 demand for information about her care, her 17 doctors, telephone numbers, email addresses, 18 things that he wanted from and for Joanne that 19 Joanne didn't want him to have, neither did the 20 doctors or the social workers. 21 So he made a demand of me at the 22 end of this meeting with Joanne, he made a 23 demand, and his demand was I'm going to provide 24 this information to him regardless of how Joanne 25 feels or what the doctors and hospital staff was</p>	<p style="text-align: right;">Page 93</p> <p>1 Esaun Pinto 2 A. I don't remember, but it definitely 3 wasn't that mild. 4 Q. He wrote: I came hoping just to be 5 nice, and even show pictures of my younger 6 children, to which she was very nice. Did he 7 show pictures at the meeting? 8 A. I think so. 9 Q. And he wrote: For about two years, 10 my son Jacob's favorite teddy bear, whom he 11 slept with every night, was a gift from Joanne, 12 whom we called Anna as a variant of Joanne. 13 Was that part of his conversation 14 with Joanne about his childhood? 15 A. It might have been. 16 Q. He wrote, we have good memories of 17 her efforts to be nice to our kids during 2005 18 to 2010, and I very much hope we can get back 19 there. 20 A. This is comical. 21 Q. Why is it comical? 22 A. Because Bernard is a smart man, 23 he's a smart man. He's writing an email after 24 his visit to the hospital that's painting a 25 picture of a wonderland.</p>

24 (Pages 90 - 93)

1 Esaun Pinto 2 This was far from wonderland. This 3 was horrific, the meeting was horrific. All 4 this nonsense about teddy bears and 5 relationships, it's comical. 6 None of this happened in the way 7 that he's describing it. You've got to 8 understand, this man was escorted out of the 9 hospital by security. There wasn't talks about 10 teddy bears and great memories, it's laughable. 11 Q. He then wrote: My near-to-medium 12 term goal for Joanne is for her to have as much 13 independence as she can handle without crashing 14 again. 15 Did you agree with that, that she 16 should have as much independence as possible? 17 A. Sure, as much as she can handle. 18 Q. He writes, including her own 19 spending money. Did you discuss spending money 20 with Mr. Black at this meeting? 21 A. Again, this is laughable, this is 22 laughable. When I tell you that reading through 23 these emails now is bringing back feelings of 24 yesterday. None of that visit didn't go this 25 way, none of this happened in this manner.	Page 94	1 Esaun Pinto 2 happened. 3 Q. Why didn't you believe it happened? 4 A. Because I've been communicating 5 with Joanne for 14 years. She had no 6 relationship with her brother. 7 Q. I think you testified earlier, and 8 you certainly should correct me if I'm wrong, 9 while she was outside of New York, you didn't 10 speak to her on the phone, you just got 11 messages? 12 A. That was for two years out of the 13 13, 14 years. 14 Q. So you don't know if Mr. Black was 15 visiting her when she was out of New York or 16 not? 17 A. Are you kidding me? What I can 18 tell you, she visited Illinois in the middle of 19 winter, and she called her brother for help and 20 he did not respond, I can tell you that. 21 Q. Did she tell you that? 22 A. She told me that. 23 Q. When did she tell you that? 24 A. Joanne mentioned that to me when I 25 visited her in Colorado when she started telling	Page 96
1 Esaun Pinto 2 Bernard is lucky he didn't get 3 arrested, that's how bad the visit was, and I'm 4 not saying that from speculation. I'm saying 5 that because I helped prevent him from getting 6 arrested. So all of this talk about her having 7 X, that's nonsense. 8 Q. And he wrote further, and her own 9 place to live, although I believe that for some 10 time to come, that place to live should be less 11 overwhelming than a house which requires 12 maintenance and upkeep. 13 A. That place to live would have been 14 another institution, because that's what he 15 wanted. 16 Q. He wrote further: I have seen how 17 Joanne has lived, in a place of her own, more 18 than once, when it was my job to clean up after 19 she left. This was not pretty, and surely not 20 good for her health. 21 Had he discussed with you the times 22 that he had gone and cleaned up apartments where 23 Joanne had lived? 24 A. I would have loved for him to talk 25 to me about that because I don't even believe it	Page 95	1 Esaun Pinto 2 me the story of the last couple of years. It 3 was that conversation was then brought up again 4 with Cherie, and it continues to be brought up 5 whenever she speaks about her disgust for her 6 brother. 7 Q. When did Cherie tell you that? 8 A. Somewhere along the way. I don't 9 remember exactly, but it was very early on. 10 Q. By very early on, you mean for 11 example before Bernard came to see Joanne in New 12 York? 13 A. It might have been between the two 14 visits, I don't remember exactly. 15 THE WITNESS: Can I -- 16 MR. FANTONE: You want to say 17 something, do you want to take a break? 18 THE WITNESS: No, I'm good. 19 MR. MANCILLA: If you need water or 20 anything, let me know. 21 Q. In the next paragraph he wrote: My 22 long-term financial goal is to give Joanne what 23 spending money is available today, while 24 remaining very confident that come what may, she 25 will be able to live in comfort for the rest of	Page 97

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Esaun Pinto 2 her life, including a long stay in a nursing 3 home, which I judge to be likely in the future, 4 although I hope not soon. 5 Did you talk to Mr. Black about the 6 fact that Joanne might need someday to live in a 7 nursing home? 8 A. No, that wasn't my position. He 9 mentioned it to me, but did I entertain that 10 kind of conversation, no. I knew what his 11 position was in terms of Joanne from the first 12 time I spoke to him. 13 Q. From the first time you had a 14 telephone conversation with him? 15 A. Sure. 16 Q. And what did you know? 17 A. I knew that he had no faith in 18 Joanne getting better, he had no faith in Joanne 19 ever living on her own and being independent, 20 and that he needed to plan for long-term 21 hospitalization or assisted living for Joanne. 22 Q. Did you think that he had no basis 23 for that belief? 24 A. I just thought it was a horrible 25 way to think about your sister.</p>	<p style="text-align: right;">Page 100</p> <p>1 Esaun Pinto 2 Q. Wait a minute, I've got to finish 3 the question. I know you're anxious to answer 4 which is great. What did you mean by line in 5 the sand? I'm not sure I understood that. 6 A. It was the divide between the 7 people who cared about Joanne's wellbeing, the 8 people who didn't. 9 Q. And who was on each side of the 10 line? 11 A. Oh, Bernard sat on an island by 12 himself. Cherie, Mr. Dain and myself sat on the 13 other side. Eventually Lois and the social 14 workers of course and the doctors and things of 15 that nature. 16 But you've got to understand, I've 17 now been in Joanne's life post the two years 18 that I didn't speak to her for a year and a 19 half. Big brother could have flew into New York 20 any time he wanted to, big brother could have 21 flew to Colorado any time he wanted to. 22 Big brother could have played the 23 role that he's now trying to define in this 24 email, nobody stopped him from doing that, 25 except for Joanne. Joanne didn't want to see</p>
<p style="text-align: right;">Page 99</p> <p>1 Esaun Pinto 2 Q. He wrote further, I thought it was 3 worth following up with a list of details. And 4 he writes number one, I can be available to meet 5 with Cherie on Saturday afternoon, my conference 6 is at NYU and ends at 1:15. 7 Do you know what meeting with 8 Cherie he's referring to? 9 A. Sure. 10 Q. Tell me, please. 11 A. Again, this is after the horrible 12 meeting with Joanne. So Bernard is trying to 13 mend fences now. You've got to understand, 14 prior to these two visits, the two visits I'm 15 referring to is the visit with Cherie and the 16 visit with Bernard. I had no relationship with 17 either one of them. They might as well have 18 been one person, it didn't make a difference to 19 me. 20 This email and that visit draws the 21 line in the sand. What you're reading right now 22 is the line being drawn in the sand and the 23 relationships being defined. 24 Q. What do you mean, Mr. Pinto -- 25 A. I think --</p>	<p style="text-align: right;">Page 101</p> <p>1 Esaun Pinto 2 him, still doesn't want to see him, was afraid 3 of him them, is afraid of him now. 4 Big brother is trying to define, is 5 trying to document through this email, but 6 that's not who he is. 7 But my in person, my first 8 in-person interaction with Bernard was the visit 9 to the hospital, and that was a defining moment 10 for him. 11 Q. I just want to clarify if I can. 12 Before Mr. Black arrived in September of 2014, 13 did Joanne want to see him? 14 A. No. 15 Q. Did she want to see him in 16 September when he did come in September 2014? 17 A. No. 18 Q. Did you encourage him to come or to 19 stay away? 20 A. I encouraged her to allow him to 21 visit. 22 Q. And did she want him to come? 23 A. She still didn't want him to come. 24 Q. Did you tell that to Mr. Black that 25 she didn't want him to visit?</p>

<p style="text-align: right;">Page 102</p> <p>1 Esaun Pinto 2 A. I told him, and I continued to 3 convince her, Joanne, it's going to be all 4 right, it's going to be all right, it's going to 5 be all right, I'll be right here. 6 You can't leave the room, you've 7 got to sit next to me. There were instructions. 8 There's got to be security outside the door, and 9 thank God I listened to her because the security 10 eventually was necessary. 11 Q. Well, let me ask you about that. 12 Did Ms. Black and Bernard Black, did Joanne 13 Black and Bernard Black come to blows? 14 A. No. 15 Q. Was there any physical contact? 16 A. If you're referring to the abuse 17 needing to be physical? 18 Q. I'm just trying to figure out what 19 you're saying, Mr. Pinto. 20 A. No, I wouldn't have allowed that. 21 Q. Hold on, I'm not referring to 22 anything. I'm trying to get information. 23 A. But you're desensitizing the 24 situation. 25 Q. I'm not trying to do that either,</p>	<p style="text-align: right;">Page 104</p> <p>1 Esaun Pinto 2 client service agreement with your firm, please 3 send me a draft. And why are you laughing? 4 A. Because I requested that agreement 5 a year and half prior to this. 6 Q. Did you ultimately send him an 7 agreement? 8 A. I don't remember him ever signing 9 an agreement. 10 Q. Point three: If an overall 11 agreement with Cherie and Tony can be worked 12 out, I will try to arrange to pay you for 13 Cherie's last visit as part of that. But this 14 has to be part of an overall agreement. Right 15 now, they seem interested in fighting. 16 At this time in September 2014, had 17 you also talked to Mr. Dain, Mr. Tony Dain about 18 it? 19 A. I guess so, but what you just read, 20 what you just read -- 21 Q. Yes, sir, what did I just read? 22 A. That was Number 4? 23 Q. Yes. 24 A. He's agreeing to pay my invoice? 25 MR. KATZ: That's Number 3.</p>
<p style="text-align: right;">Page 103</p> <p>1 Esaun Pinto 2 I'm just trying to get information. 3 A. Of course they didn't come to 4 blows. 5 Q. That's all I was trying to figure 6 out. So the situation that was bad in your view 7 was verbal abuse? 8 A. Not in my view, not just in my 9 view. 10 Q. That's fine. 11 A. Okay. 12 Q. I'm just asking what your view is. 13 A. I'm just answering. It was bad in 14 my view, but not just in my view. 15 Q. Okay. The abuse that occurred was 16 verbal? 17 A. Sure. 18 Q. Was it in one direction or was 19 Joanne abusive as well? 20 A. Joanne was crying. 21 Q. Point two, and we're still on 22 Exhibit 21. 23 A. Sure. 24 Q. Mr. Black wrote, I think it makes 25 sense to formalize our agreement through a</p>	<p style="text-align: right;">Page 105</p> <p>1 Esaun Pinto 2 A. He agreed to pay my invoice 3 provided I played ball with him. I wasn't 4 playing ball with him anymore. 5 Q. Let's go on to Number 4. 6 A. So in other words, that was taken 7 as a bribe. 8 Q. You took it as a bribe? 9 A. Sure. 10 Q. Point 4, Cherie's current visit to 11 Joanne is not authorized by me. I authorized 12 you to spend time with Cherie today, but only 13 today. If she needs more of your time, and that 14 time cannot, in your judgement, fit within an 15 overall \$4,000 a month budget for your services, 16 that is up to her to arrange with you privately. 17 A. I never agreed to a \$4,000 a month 18 budget. 19 Q. At any time? 20 A. Uh-uh. 21 Q. So was Mr. -- 22 MR. KATZ: You have to answer 23 verbally. 24 A. No, I never agreed to a \$4,000 a 25 month budget.</p>

1 Esaun Pinto 2 Q. Was Mr. Black making that up at 3 this point? 4 A. Mr. Black was trying to continue to 5 run the show and he never did. 6 Q. Okay, I'm listening to your 7 answers. 8 Point 5, I encourage you to be in 9 direct contact with Gayle Young, the Colorado 10 guardian ad litem for Joanne. Had you had 11 contact with Ms. Young prior to September of 12 2014? 13 A. I don't remember, but I don't think 14 so. 15 Q. Did you have contact with her after 16 this email? 17 A. At some point I did. 18 Q. What was the nature of that 19 contact? 20 A. She just wanted to know, if I 21 remember, I don't remember exactly, but I know 22 we spoke about my relationship with Joanne. We 23 spoke about Joanne's condition, we spoke about 24 things that Joanne, plans for Joanne in the 25 future.	Page 106 1 Esaun Pinto 2 a specific recollection? 3 A. Any conversation with Cherie had to 4 do with the care of Joanne. A lot of those 5 conversations had to do with getting me paid on 6 time. Bernard and I very, very rarely spoke on 7 the telephone. 8 Q. My question to you, and maybe it 9 wasn't a good question, my question to you was, 10 do you recall being part of a conversation with 11 Cherie and Bernard, a telephone conversation? 12 A. Together? 13 Q. Together. 14 A. I don't remember that. 15 Q. When Bernard came out to visit in 16 September, was Cherie also at the hospital? 17 A. Cherie was there, yeah. 18 Q. So did Bernard and Cherie have any 19 conversations with you in connection with the 20 visit or after the visit? 21 A. Independently, yes. 22 Q. No, together. 23 A. Not that I could recall. 24 Q. He wrote to you that he would be 25 available to meet with Cherie on Saturday
1 Esaun Pinto 2 I believe we spoke about her 3 relationship with Bernard. I'm sure we spoke 4 about this visit, but I didn't communicate with 5 her much at all. 6 Q. I want to, I left Point 3 a little 7 too early, I think. As of September 18, 2014 8 when they email was written and received by you, 9 what role was Mr. Tony Dain playing in any of 10 your care for Joanne Black? 11 A. I believe, I don't know if at this 12 point or if it was later on, but I believe that 13 I was, I was giving him updates on Joanne's 14 condition. I don't remember exactly if we 15 discussed anything other than that. I might 16 have discussed with him getting my invoices paid 17 in a timely fashion. Outside of that, I don't 18 really recall. 19 Q. Were you part of any telephone 20 communications around this time in 2014, 21 September, with Cherie Wrigley and Bernard 22 Black? 23 A. Sure. 24 Q. Can you recall anything about those 25 conversations, either in general or if you have	Page 107 1 Esaun Pinto 2 afternoon, and the date of the email is a 3 Thursday. Do you remember getting together with 4 Cherie and Bernard and you on that Saturday? 5 A. No, I don't think we did. I don't 6 remember exactly, but I doubt we met. 7 Q. Point 6, Mr. Black wrote, I can be 8 available to meet with Joanne in two weeks, on 9 Thursday afternoon, October 2, if you believe 10 this would be advisable. My sense is that 11 regular meetings will be good eventually, even 12 if not immediately. I want to leave two weeks 13 from today up to your judgment. 14 Did you have a conversation with 15 him about his proposal to come in October? 16 A. I don't believe I spoke to Bernard 17 on the phone after this at all. 18 Q. Okay. Do you believe somehow you 19 communicated what your judgment was, whether he 20 should come on October 2nd or not? 21 A. I might have but, again, this is 22 laughable. There was no visiting Joanne again. 23 Q. He didn't come again? 24 A. Not that I could recall, I don't 25 think so. Joanne wouldn't agree to see him.

<p style="text-align: right;">Page 110</p> <p>1 Esaun Pinto 2 No, I don't think so. 3 Q. He wrote on Point 7, If you can get 4 me a full name and contact information, phone, 5 email or preferably both for her social worker, 6 Nelson, I would be grateful. Did you do that? 7 A. No. 8 Q. Why not? 9 A. Because Joanne didn't want him to 10 have contact with anybody involved in her care. 11 Q. I assume you must have communicated 12 that with Mr. Black somehow? 13 A. I communicated that with Mr. Black 14 when he was being escorted out of the hospital 15 and he gave me the ultimatum. 16 Q. What ultimatum did he give you? I 17 don't understand. 18 A. Either I cooperate with giving him 19 the information that I couldn't provide to him 20 about Joanne's care, the doctors' numbers, the 21 emails, all the contact information, or he was 22 going to cut me off. 23 Q. Point 8, If you can provide me with 24 Dr. -- is that Choudhury? 25 A. Choudhury.</p>	<p style="text-align: right;">Page 112</p> <p>1 Esaun Pinto 2 representative, as a counsel for Joanne? 3 A. I know she worked on, along with 4 the social worker in arranging like the stuff 5 that would happen after she was released from 6 the hospital. 7 Q. Was she appointed by the court or 8 was she paid by the Black family? 9 A. Oh, I don't know. 10 Q. Did you meet with Ms. Renzulli only 11 after Joanne was committed to a psychiatric 12 hospital? 13 A. Yes. 14 Q. Before you didn't know her? 15 A. No, no, Ms. Renzulli worked at 16 South Beach. 17 Q. She was a lawyer who worked in the 18 hospital itself? 19 A. Right. 20 Q. So you had never had contact with 21 her in the many, many years that you had been 22 meeting with Joanne? 23 A. No, Ms. Renzulli worked at South 24 Beach. 25 Q. Did you participate in meeting with</p>
<p style="text-align: right;">Page 111</p> <p>1 Esaun Pinto 2 Q. Choudhury, thank you for the help. 3 That's C-H-O-U-D-H-U-R-Y's email address, I 4 would be grateful. My first message to her will 5 simply seek to confirm that she is willing to 6 receive information from me by email. 7 Is your answer the same, you didn't 8 provide him with that doctor's contact 9 information? 10 A. No, and Dr. Choudhury didn't want 11 me to provide Mr. Black with any of her 12 information. 13 Q. The last point here 9, I believe 14 that I have found a correct name for Joanne's 15 appointed counsel, Nora Drew Renzulli. That's 16 R-E-N-Z-U-L-L-I. And he asked for contact 17 information for Ms. Renzulli. Did you know Ms. 18 Renzulli? 19 A. Sure. 20 Q. Do you know when she was appointed 21 for Joanne? 22 A. Somewhere in there, somewhere 23 during the South Beach stay. I don't remember 24 at which point, but I met with her quite often. 25 Q. And what was her role as a</p>	<p style="text-align: right;">Page 113</p> <p>1 Esaun Pinto 2 Joanne and Ms. Renzulli? 3 A. Sure. 4 Q. What was the subject matter of 5 those conversations? 6 A. Her options about care post 7 hospitalizations. 8 MR. KATZ: I want to make an 9 objection. You're talking about Nora 10 Renzulli as counsel for Joanne Black, and 11 you're asking about communications that 12 took place between Joanne and Nora? 13 MR. SCHAALMAN: I did. 14 MR. KATZ: I'm just going to object 15 because those communications are 16 attorney-client privilege. 17 MR. FANTONE: Is Ms. Renzulli 18 counsel for Joanne or counsel for the 19 hospital? 20 MR. SCHAALMAN: Well, that was a 21 question I asked Mr. Pinto, and I think he 22 answered the question that she was working 23 at the hospital and was communicating with 24 Joanne. 25 A. Right, if you want to know whether</p>

<p style="text-align: right;">Page 114</p> <p>1 Esaun Pinto 2 she was Joanne's lawyer or the hospital, I don't 3 really know what that role looked like. 4 Q. Here is Exhibit 22, Mr. Pinto. Mr. 5 Pinto, I'm going to ask you some questions about 6 Exhibit 22. 7 A. Sure. 8 Q. This appears to be an email first 9 from Mr. Black, Bernard Black, and then a 10 communication from you. So let's start at the 11 bottom because I think that's the first 12 communication in the string. 13 Mr. Black writes you on September 14 20, subject, no meeting with Cherie today. And 15 he writes, Esaun, I have not heard from you, 16 should I assume that Cherie preferred not to 17 meet with me. 18 Was this the meeting on Saturday 19 that Mr. Black had written to you about earlier 20 on Thursday? 21 A. I'm assuming, that's two days 22 later. Yeah, I assume that's what he's talking 23 about. 24 Q. And you wrote back yes, no meeting 25 today. How did you know that Cherie wasn't</p>	<p style="text-align: right;">Page 116</p> <p>1 Esaun Pinto 2 deposition? 3 A. I don't know if I looked at these, 4 I don't know. 5 Q. This is an email dated Wednesday, 6 September 24th, and it's from Mr. Black to you. 7 This is Exhibit 23. He writes, Esaun, Cherie 8 has gone totally silent on me so I ask that you 9 not share with her my emails to you. 10 Did you know why Ms. Wrigley was 11 apparently not writing or responding to Mr. 12 Black? 13 A. She was upset about the visit, and 14 she was upset about his demand for the 15 information about Joanne's hospitalization. 16 Q. Did you understand why Mr. Black 17 was asking not to share his emails to you with 18 Ms. Wrigley? 19 A. Yeah, because the line in the sand 20 was drawn now, sure. 21 Q. And then he goes onto substance, I 22 spoke at length today with Dr. Choudhury. Did 23 you know how Mr. Black was able to get access to 24 Dr. Choudhury? 25 A. I have no idea.</p>
<p style="text-align: right;">Page 115</p> <p>1 Esaun Pinto 2 going to meet with Mr. Black on Saturday? 3 A. I spoke to her. 4 Q. What did she say? 5 A. That she didn't want to meet with 6 him. I don't remember exactly what she said, 7 but she definitely didn't want to meet with him. 8 Q. Do you know why she didn't want to 9 meet with him? 10 A. Because the meeting with Joanne was 11 that bad, I mean it was horrible. 12 Q. And Mr. Black writes, got it, 13 please let me know when Cherie leaves since she 14 is not informing me directly. No reason to 15 interrupt your weekend, but I would appreciate 16 if you can respond to my email from Thursday 17 early next week. We should arrange a call after 18 that. 19 Do you recall responding to Mr. 20 Black by email? 21 A. I don't know. 22 Q. Here's Exhibit 23. Mr. Pinto, 23 before I ask you about Exhibit 23, do you recall 24 reviewing any of these emails that I've just 25 been showing you in preparation for your</p>	<p style="text-align: right;">Page 117</p> <p>1 Esaun Pinto 2 Q. And he wrote further, I would like 3 to visit Joanne again on my next trip to New 4 York area, available days for me are Thursday 5 October 2 or Saturday October 4. And he writes 6 further Dr. Choudhury will speak to Joanne about 7 this. 8 Did you have any conversations with 9 Dr. Choudhury about Mr. Black's, Bernard Black's 10 interest in visiting Joanne? 11 A. I don't remember, I don't know. I 12 remember that Dr. Choudhury and the social 13 workers didn't appreciate the way Bernard 14 presented at the meeting with Joanne. But at 15 this point, I don't know if we were still having 16 conversations about Bernard. 17 Q. Okay. And then he asks, Can you be 18 available. Did you respond to him whether you 19 would be available for a meeting on either of 20 those days? 21 A. I don't know. 22 Q. I would like to focus on solving 23 one simple issue, how about her clothes. Did 24 you know what he meant about that? 25 A. Sure.</p>

<p style="text-align: right;">Page 118</p> <p>1 Esaun Pinto 2 Q. What did you understand by that? 3 A. This is the stuff that he gathered 4 from Joanne's mom's house after she passed away. 5 Q. Was the subject of her clothes the 6 subject of that meeting that she had, that he 7 had with Joanne in the hospital on the 18th of 8 September? 9 A. Say that, I don't understand the 10 question. 11 Q. I'll say it again. Were Joanne's 12 clothes a subject of the meeting that Bernard 13 and Joanne had at the hospital when you were 14 there? 15 A. Sure. 16 Q. And was it something Joanne raised, 17 how about getting my clothes? 18 A. Yeah. 19 Q. And did Bernard say no, you can't 20 have your clothes? 21 A. I don't remember if he said no, you 22 can't have your clothes. I believe it was more 23 along the lines of you can't do anything with 24 that stuff now anyway. 25 Q. I see, okay. Do you remember</p>	<p style="text-align: right;">Page 120</p> <p>1 Esaun Pinto 2 A. No, I don't remember. 3 Q. And he wrote further, all at once, 4 a box at a time, five boxes at a time, whatever 5 she wants so we can make progress on that I am 6 confident. 7 Do you recall whether this second 8 meeting that Mr. Black is proposing ever took 9 place? 10 A. I don't think it did. I don't 11 really recall, but I don't think it did. 12 Q. Do you recall discussing with 13 Joanne how she would like to receive her 14 clothes, all at once, in portions? 15 A. Yes. 16 Q. What did she say? 17 A. She just wanted her stuff. 18 Q. She wanted it all at once? 19 A. Yeah. 20 MR. SCHAALMAN: So this is a decent 21 stopping point for me for my conference 22 call. Hopefully, you know, I'm agnostic on 23 the issues on the call, so hopefully I'll 24 be able to get off quickly. 25 I apologize for having to interrupt</p>
<p style="text-align: right;">Page 119</p> <p>1 Esaun Pinto 2 discussing with Bernard either on the phone, and 3 I know you said you don't really remember having 4 any phone conversations with him, but in email 5 communications as he's raising with you one 6 simple issue about her clothes, do you remember 7 having an email dialogue with Mr. Black on that? 8 A. There were conversations about -- 9 MR. KATZ: Objection to form. 10 MR. SCHAALMAN: I'm sorry? 11 MR. KATZ: Objection to form. 12 THE WITNESS: Do I answer? 13 MR. FANTONE: You can answer. 14 A. There were conversations about 15 retrieving Joanne's possessions from Bernard for 16 months. There was even talk about me traveling 17 to Illinois to get the stuff. There were 18 conversations of Bernard mailing stuff, so yeah, 19 but I don't remember in this time period what 20 that conversation was like. I don't even know 21 if I entertained the conversation at this point. 22 Q. He wrote further to you, I'd love 23 to send Joanne's clothes to Joanne as soon as 24 she is ready to receive them. Do you remember 25 having that conversation with Mr. Black?</p>	<p style="text-align: right;">Page 121</p> <p>1 Esaun Pinto 2 Mr. Pinto, but sometimes you just can't 3 schedule things and get them all done at 4 the same time. 5 MR. MANCILLA: How much longer? 6 MR. SCHAALMAN: I don't know. 7 (A recess was taken from 1:52 p.m. 8 until 2:36 p.m.) 9 MR. SCHAALMAN: Alice, can you do 10 these three? 11 (Three email chains were hereby 12 marked as Pinto Exhibits 24, 25 and 26 for 13 identification, as of this date.) 14 Q. Thank you again for your patience, 15 Mr. Pinto. The call only lasted a half hour so 16 I think we're still on track. 17 I've handed you Exhibit 15 and, 18 again, I'm a little bit out of order with some 19 of these, so I will just call that to your 20 attention, but now we've talked about September 21 2014. 22 I'm actually going backwards in 23 time to February of 2014 because I want to make 24 sure I get as much of the story as you can 25 remember.</p>

<p style="text-align: right;">Page 122</p> <p>1 Esaun Pinto 2 A. Got you. 3 MR. FANTONE: You said this was 15? 4 THE WITNESS: This is 14. Oh, this 5 is 15, the exhibit, yes. 6 Q. All right. Let's look at the 7 bottom email in this chain which looks like an 8 email from you to Bernard Black and Cherie 9 Wrigley dated February 19, 2014. 10 You start off by saying, The past 11 year has been truly rewarding, truly a rewarding 12 experience. Joanne is doing so much better 13 since she has been receiving treatment. 14 So is that a fair statement that 15 you were making based on when you brought her 16 back to New York up to the time February 19, 17 2014? 18 A. Yes. 19 Q. She has come a long way from when I 20 picked her up in Denver. I have spent so much 21 time with her over these months that we have 22 built a great bond based on trust. We have held 23 ourselves accountable for our actions. We talk 24 about her treatment, medication she is taking, 25 social groups that she participates in and</p>	<p style="text-align: right;">Page 124</p> <p>1 Esaun Pinto 2 was, was she sexually abused in her life? 3 A. Not that I know of. 4 Q. And there was no event that took 5 place at the hospital, based on your knowledge, 6 that could have led her to believe that she was 7 pregnant? 8 MR. KATZ: Objection. 9 MR. FANTONE: Objection. 10 THE WITNESS: Do I answer that? 11 MR. FANTONE: You can answer. 12 A. Not that I can remember. 13 Q. Then in the second to last 14 paragraph you wrote, I have reduced my visits to 15 twice a week on most weeks. However, sometimes 16 things come up and I am needed. 17 Did you reduce your visits to twice 18 a week on your own, it was your own decision as 19 opposed to Mr. Black's decision? 20 A. I don't remember exactly the 21 circumstances surrounding this, but there was a 22 period where the doctors and I decided that I 23 needed to slow down a little bit. 24 Joanne was becoming extremely 25 dependent on my visits, and it was something the</p>
<p style="text-align: right;">Page 123</p> <p>1 Esaun Pinto 2 therapy. When things are uncomfortable for her, 3 we have found ways to work through them. Today 4 Joanne admits to needing help and is 5 appreciative of me being there and having 6 someone to go through the process with her. 7 So if I'm summarizing this pretty 8 well, in February of 2014 Joanne was doing much 9 better? 10 A. Yeah, yes. 11 Q. You, again without reading this to 12 you, I know you've had a chance to look at it, 13 you identify for Mr. Black and Ms. Wrigley some 14 health concerns that Joanne had at that time, 15 being in February of 2014. Were these health 16 issues resolved, her blockage? 17 A. Yeah. 18 Q. And her dental work and things? 19 A. Her dental issues, that is an 20 ongoing thing, but the blockage, yes, that was 21 resolved. 22 Q. You mention on the next page that 23 she has a delusion about being pregnant? 24 A. Yes. 25 Q. Do you know what the source of that</p>	<p style="text-align: right;">Page 125</p> <p>1 Esaun Pinto 2 doctors were trying, I don't know if it was just 3 medication or if it was medication and therapy, 4 but for a short period of time they wanted to 5 work on Joanne and kind of have me step back and 6 not be as active. 7 Q. And I assume you followed the 8 doctor's suggestion and reduced your visits to 9 twice a week? 10 A. For a short period of time, yeah. 11 Q. What do you mean? 12 A. Some of the visits were, there was 13 a period where I may only go twice a week, but 14 she may want to see one of my guys, or she may 15 want to speak to my grandmother or she may want 16 to speak to the kids, so things changed at 17 times. 18 Q. I expect that your grandmother, 19 neither your grandmother or children actually 20 went to the hospital? 21 A. No, but my wife did. 22 Q. And then you wrote in that same 23 paragraph, I think moving forward at a flat rate 24 may be less of a hassle for both of us, a 25 monthly rate to be paid at the start of the</p>

<p style="text-align: right;">Page 126</p> <p>1 Esaun Pinto 2 month. I propose a rate of \$8,000 per month. 3 This should put you in a more comfortable 4 operating range. I will invoice on a monthly 5 basis for your records, and the only additional 6 expense will be things needed for Joanne. Those 7 things I will use the account or list on the 8 invoice.</p> <p>9 So starting in February of 2014, 10 did you start to bill \$8,000 a month?</p> <p>11 A. I don't remember exactly, but it 12 was probably somewhere around this time, yeah.</p> <p>13 Q. And then the final paragraph, My 14 records show that we were paid up to February 15 10th. So at least as of this time when you 16 wrote the email to Mr. Black, your payments 17 weren't a problem?</p> <p>18 A. My payments were always a problem, 19 they were always a problem. So this email, this 20 email was sent on the 19th, I was paid through 21 the 10th. I'm ten days behind already, and 22 we're just recommending, we're just talking 23 about a monthly payment.</p> <p>24 Q. Oh, I see. So you wanted to be 25 paid in advance, a month in advance?</p>	<p style="text-align: right;">Page 128</p> <p>1 Esaun Pinto 2 one of them. So I was cc'g, I was communicating 3 with both of them at the same time and kind of 4 held them in the same regard for the most part. 5 However, the person I communicated the most with 6 was Cherie.</p> <p>7 Q. Did you at any time, again, let's 8 take some time period you might be able to focus 9 on. From the time you brought Joanne back to 10 New York up until this email that you sent to 11 Mr. Black, did you ever complain about Mr. Black 12 to Ms. Wrigley?</p> <p>13 A. Sure.</p> <p>14 Q. And what kind of complaints did you 15 make?</p> <p>16 A. I wanted a client agreement. I 17 wanted to actually meet him. It felt necessary 18 for me, I assumed that it would have been 19 necessary for him as well, but apparently it 20 wasn't.</p> <p>21 But I was uncomfortable about 22 working without a written, signed client 23 agreement. That was my biggest issue, and then 24 the next issue was I felt like I needed to meet 25 him in person.</p>
<p style="text-align: right;">Page 127</p> <p>1 Esaun Pinto 2 A. Not necessarily. I just wanted to 3 be paid in a timely fashion, and I didn't want 4 to debate and argue about invoices.</p> <p>5 Q. Sure, I'm just trying to understand 6 your answer that you were behind even though you 7 were paid on the 10th. So did you expect to be 8 paid on the 1st?</p> <p>9 A. I expected to be current. I don't 10 remember at this time if we had already started 11 the monthly payment, I don't remember.</p> <p>12 Q. Okay. And then the last thing you 13 wrote to both Mr. Black and a cc to Ms. Wrigley 14 is, Thanks again for trusting in me to care for 15 Joanne. So it sounds like from the tenor of 16 this email that you had a pretty good 17 relationship with Mr. Black at this time in 18 February of 2014.</p> <p>19 A. No, it just sounds like I was 20 trying to be professional.</p> <p>21 Q. So you didn't actually mean what 22 you wrote?</p> <p>23 A. I just was trying to remain 24 professional. At this time, again, at this time 25 Cherie and Bernard were -- I didn't know either</p>	<p style="text-align: right;">Page 129</p> <p>1 Esaun Pinto 2 Q. Did you have any other complaints 3 that you can recall?</p> <p>4 A. Other than my invoices being paid, 5 no.</p> <p>6 Q. Here's Exhibit 16. So this is 7 dated September, the bottom email from Mr. Black 8 is dated September 2, 2014. And he writes, 9 Esaun, I am writing on two important issues. 10 First, I'm obtaining very strong push back from 11 the Colorado court on approving your expenses 12 for last year.</p> <p>13 Do you recall having a conversation 14 about push back from the Colorado court --</p> <p>15 A. Yes.</p> <p>16 Q. Let me --</p> <p>17 A. I'm sorry.</p> <p>18 Q. -- with Ms. Wrigley. Starting with 19 her first. Did she tell you that the court was 20 having difficulty?</p> <p>21 A. I don't remember that.</p> <p>22 Q. How about Mr. Dain?</p> <p>23 A. I don't remember that either.</p> <p>24 Q. Do you remember having a 25 conversation with Mr. Dain at all about, and I'm</p>

<p style="text-align: right;">Page 130</p> <p>1 Esaun Pinto 2 now talking about this period of time in 2014 3 about the Colorado court. 4 A. I remember having a conversation 5 with Mr. Dain about the Colorado court. I don't 6 remember if it was in 2014. 7 Q. Okay, thank you. And he writes in 8 the next paragraph, For September and going 9 forward, please reduce your billing to half of 10 the prior level, \$4,000 per month and document 11 all visits to Joanne, record your hours. I need 12 both to bring your billing down and to be able 13 to defend it to the Colorado court. 14 Does this refresh your recollection 15 that you were billing at \$8,000 a month and Mr. 16 Black was asking you to bring it down to \$4,000 17 a month in September? 18 A. Yeah, I knew what he was 19 requesting, sure, I never agreed to it though. 20 Q. Okay. And then he writes at the 21 bottom paragraph, Second, I believe that it is 22 time for me to visit Joanne if possible. Please 23 discuss this with her. I will be in New York in 24 two weeks. That is a good target time. 25 I assume you started discussing</p>	<p style="text-align: right;">Page 132</p> <p>1 Esaun Pinto 2 Q. And you wrote back, got it, call 3 you later. Do you remember calling Mr. Black? 4 A. No. 5 Q. But you did have his phone number 6 at least as of this date? 7 A. Yeah. 8 Q. Here's 17, Mr. Pinto. Mr. Pinto, 9 you can read the whole string, but I will just 10 tell you that you're only involved in this 11 starting on the second page, Page 2 of 5. So if 12 you don't mind, I'm not going to ask you 13 questions about emails you weren't part of. 14 A. Okay. 15 Q. So the second page there's an email 16 from Cherie Wrigley to Bernard Black, to Anthony 17 Dain and also to you. She writes, Bernie, you 18 attempted to start the email by addressing both 19 of us and it went downhill immediately. You 20 basically ignored me, threats abound and your 21 unprofessional way of communication is shocking. 22 Really??? You never told me that guardianship 23 bothered you. Now, this is September 4, 2014. 24 A. Right. 25 Q. And apparently Ms. Wrigley includes</p>
<p style="text-align: right;">Page 131</p> <p>1 Esaun Pinto 2 that with Joanne shortly after you got the 3 email, whether she would permit her brother to 4 come visit? 5 A. Yeah, this is after Cherie's visit, 6 and, yeah, I did speak to Joanne about that. 7 Q. Did you tell Mr. Black not to come? 8 A. I wasn't in a position to tell him 9 not to come. 10 Q. Did you tell him that Joanne didn't 11 want to see him? 12 A. I probably did. 13 Q. And then he writes on the last 14 paragraph, We should discuss by phone 15 developments with her, including a potential 16 move to a halfway house. If you can provide me 17 with names and phone number for her therapist at 18 the hospital, I would be grateful. And then he 19 gives you, I am at this phone number. I can 20 call you this afternoon, Tuesday is convenient 21 if you tell me when. 22 So Mr. Black had actually asked you 23 for the number of the therapist before he came 24 to see his sister on the 18th of September? 25 A. Right.</p>	<p style="text-align: right;">Page 133</p> <p>1 Esaun Pinto 2 you on this email as a cc along with Mr. Dain. 3 Prior to September 4, 2014, had Ms. Wrigley told 4 you she wanted to be the sole guardian for 5 Joanne? 6 A. I don't recall. I don't know, she 7 might have. 8 Q. And then she wrote, I have always 9 encouraged you to be a more loving brother to 10 your sister and take a more active loving kind 11 role in her life. 12 Did Ms. Wrigley ever discuss that 13 with you on or about September 4th, the day she 14 sends you this email? 15 A. Discuss Bernard being a more loving 16 brother? 17 Q. That she had been trying to 18 encourage him to be a more loving brother, 19 according to her. 20 A. I don't know, she might have. But 21 that sentiment was the same from Joanne. Joanne 22 wanted Bernard to be a more loving brother, so 23 she could have, I don't know. 24 Q. So I'm trying to figure out the 25 timing here. So Bernard writes you in early</p>

1 Esaun Pinto 2 September of 2014 telling you he would like to 3 visit Joanne and asks you if you would speak 4 with her about that visit. We've already 5 discussed that. 6 When you started to talk to Joanne 7 about Bernard coming to visit her, did she tell 8 you, that's great because I'd like Bernard to be 9 a more loving brother? 10 A. When I started to speak to Joanne 11 about Bernard visiting? 12 Q. Yes, sir. 13 A. Did Joanne say great, no, no, no, 14 no. 15 Q. So did she express any interest in 16 Bernard being a more loving brother at that 17 point? 18 A. She had expressed that for years. 19 By this time, she doesn't want anything to do 20 with Bernard. 21 Q. So she doesn't care if he's a 22 loving brother or not? 23 A. She doesn't want to have anything 24 to do with him. I mean, she still mentions that 25 she wished their relationship was different.	Page 134 1 Esaun Pinto 2 this whole issue of the guardianship to you? 3 A. Did I understand why he was upset, 4 no. 5 Q. Did you ever ask to be Joanne's 6 guardian? 7 A. I never wanted to be Joanne's 8 guardian. 9 Q. So you never -- 10 A. No. 11 Q. Did Joanne ask you to be her 12 guardian? 13 A. Joanne wanted me to be her 14 guardian. 15 Q. And when she said that, I 16 understand from your answer you said no? 17 A. I can't do that. 18 Q. Was it too much work or you didn't 19 want to take it on or you weren't qualified, 20 what was the reason? 21 A. A little bit of all of that, 22 besides the fact that this started to get very 23 complicated. 24 Q. He wrote, Cherie's reply as I read 25 it confirms my worry that Cherie is attempting
Page 135 1 Esaun Pinto 2 Q. So let's turn then to the email 3 that he sends to you on the first page. We're 4 still on Exhibit 17. This is dated September 4, 5 2014 and he starts, Esaun, this is a 6 confidential communication. 7 Did you keep this communication 8 confidential? 9 A. From who? 10 Q. From anyone besides you. 11 A. So again, we're talking about a 12 period where this line is being drawn in the 13 sand, and things are starting to get weird 14 because prior to either one, Cherie or Bernard 15 visiting, my job was just about Joanne. So none 16 of this stuff was even relevant to me. It was 17 just about Joanne. 18 So this communication, did I relay 19 it to Cherie, I might have. I probably did. 20 Q. Okay. And he writes, I regret that 21 Cherie has chosen to bring you into the middle 22 of this, but you can see why it is important 23 that we talk. 24 Did you understand that he was 25 upset or concerned that Cherie had introduced	Page 137 1 Esaun Pinto 2 to set up sole guardianship of Joanne against my 3 wishes and behind my back. You can see why it 4 is important that we talk before you and Cherie 5 meet with Joanne. 6 So one thing we can date is Cherie 7 had not yet met with Joanne, according to Mr. 8 Black's email? 9 A. I think Cherie had already met. If 10 I remember right, I think Cherie met with Joanne 11 in August. I think this is the second visit. 12 Q. I didn't follow. There was a 13 second visit with Cherie? 14 A. Yeah, because Cherie was there at 15 the time of Bernie's visit, Bernard's visit. 16 Q. So that would be the second visit? 17 A. I believe so. 18 Q. And he asks you not to let Cherie 19 meet with Joanne without you being present. 20 A. Right. 21 Q. And I take it that's something you 22 would have done anyway, right? 23 A. Without myself being present? 24 Q. Let me rephrase the question. 25 A. Sure.

1 Esaun Pinto 2 Q. As I read what Mr. Black is saying 3 to you -- I'll start again, thanks for your 4 patience. 5 A. No problem. 6 Q. As I read what Mr. Black is writing 7 to you, he is saying that he didn't want Cherie 8 to meet with Joanne without you being present. 9 A. Right. 10 Q. And my question to you was, you 11 would not have let either Cherie or Bernard meet 12 with Joanne at this time without you being 13 present? 14 A. Joanne wouldn't allow it. 15 Q. And you knew that? 16 A. Sure. 17 Q. I'm just curious, was Joanne 18 meeting with any other family members at this 19 time? 20 A. My family. 21 Q. I'm sorry, I meant her family. 22 A. No, no. 23 Q. Was she meeting with anyone outside 24 of your family, did she have friends who came to 25 visit?	Page 138 1 Esaun Pinto 2 understand. He wrote, If I understand our 3 relationship correctly, you are working for me 4 in my capacity as the financial conservator for 5 Joanne as trustee of trusts of which Joanne is 6 the principal beneficiary and as executor of the 7 estate of Renata Black. Was that your 8 understanding of what you were doing? 9 A. No. 10 Q. What was your understanding? 11 A. I worked for Joanne. 12 Q. Did you understand Mr. Black was 13 the fellow who was supposed to pay you? 14 A. Sure. I take that back. I 15 understand that I needed to be paid, I needed to 16 be paid, and it either came from, at the time, 17 Cherie or Bernard. 18 Q. Were there times when Cherie paid 19 you? 20 A. At this point, I don't think so. 21 Q. When did Cherie start to pay you? 22 A. When Bernard stopped. My role was 23 to take care, to take care of Joanne. My job 24 was never to protect the interests of Bernard. 25 Q. Or Cherie?
Page 139 1 Esaun Pinto 2 A. No, it was just my family and my 3 friends, that's all. 4 Q. And when some of your family 5 members went, like you mentioned your wife went 6 to the hospital, you weren't there for that 7 meeting? 8 A. I think my wife went to visit her 9 once and I had the kids in the car. 10 Q. In other words, you didn't think 11 Joanne wouldn't meet with your wife without you 12 there? 13 A. No, no. 14 Q. That wasn't an issue for Joanne? 15 A. No. 16 Q. And he writes then next, Such a 17 meeting will give Cherie an opportunity to 18 convince Joanne that I am the evil brother and 19 that Cherie is Joanne's protection against me. 20 Did you understand why Mr. Black 21 might be feeling that way? 22 A. No, because Joanne didn't need 23 Cherie to convince Joanne that Bernard was evil. 24 Q. Then the next paragraph, so that 25 would be one, two, three, four, it starts if I	Page 141 1 Esaun Pinto 2 A. Or Cherie. 3 Q. Right, okay. Did you ever explain 4 to Mr. Black that as far as you were concerned 5 you were not working for him? 6 A. Sure. 7 Q. Do you recall what his response 8 was? 9 A. Not exactly, but he let it go. He 10 let it go. I mean, yeah. 11 MR. SCHAALMAN: Would you mark 12 this, mark it as the next exhibit. 13 (Email chain was hereby marked as 14 Pinto Exhibit 27 for identification, as of 15 this date.) 16 Q. Here's Exhibit 27, Mr. Pinto. I'm 17 sorry, Mr. Pinto, look up when you're done. 18 This is Exhibit 27, and it appears to be at 19 least starting about the middle of the page -- 20 A. I've got two of these. 21 Q. That's where the extra one was. 22 We'll ship it down to Ms. Hoskinson. 23 So on September 27, 2014, Mr. Black 24 sends you an email with the subject Urgent 25 request that you respond to me. And he starts

<p style="text-align: right;">Page 142</p> <p>1 Esaun Pinto 2 out by writing, I truly appreciate the efforts 3 you have made for my sister Joanne and believe 4 you can play a valuable role in the future, but 5 you need to be in regular communication with me. 6 I met with you and Joanne on Thursday, September 7 18. At that time you and I decided it would be 8 useful for you, me and Cherie to meet while both 9 Cherie and I were in New York. I reserved a 10 time for the meeting on Saturday afternoon.</p> <p>11 Do you recall whether you were in 12 agreement that it would be useful for you and 13 Mr. Black and Ms. Wrigley to meet after they had 14 met with Joanne on September 18th?</p> <p>15 A. I might have. I don't know.</p> <p>16 Q. Do you know what the purpose of 17 such a meeting was, do you remember?</p> <p>18 A. If I requested a meeting for the 19 three of us, it was probably to try to make 20 sense of what was going on because it became a 21 bit of a circus.</p> <p>22 Q. And Mr. Black then writes, Since 23 then, I have repeatedly tried to reach you, 24 without success, on matters which are time 25 urgent including my hope to visit Joanne again</p>	<p style="text-align: right;">Page 144</p> <p>1 Esaun Pinto 2 text, I don't really remember, but I believe 3 that he received that message from me.</p> <p>4 Q. The last paragraph he wrote, As 5 financial conservator for Joanne and as trustee 6 for her trust fund I cannot continue to pay you 7 if you are not in regular communication with me.</p> <p>8 Did you think that was unreasonable 9 for Mr. Black to ask you to be in regular 10 communication with him?</p> <p>11 A. Did I think it was unreasonable, 12 no, no, no. But what he was asking for was 13 unreasonable, communication wasn't reasonable 14 but everything else was.</p> <p>15 Q. Then he gives you his phone number 16 and email. Do you recall speaking to him after 17 this September 28th email?</p> <p>18 A. I don't think I did.</p> <p>19 Q. Here's 25, Mr. Pinto.</p> <p>20 MR. FANTONE: You said 25? 21 MR. SCHAALMAN: I did. I'm glad 22 you're paying attention, Mr. Fantone. It 23 makes me feel very good.</p> <p>24 Q. So this is an email continuation, I 25 think, of the email I just showed you. So on</p>
<p style="text-align: right;">Page 143</p> <p>1 Esaun Pinto 2 this week either on Thursday or Saturday and do 3 not know why I have tried to reach you by email, 4 and lists those emails and then he lists times 5 on the second page he had tried to reach you by 6 phone.</p> <p>7 Do you remember Mr. Black trying to 8 reach you by phone on these dates?</p> <p>9 A. I remember him trying to reach me 10 by phone, yeah.</p> <p>11 Q. Did you speak to him by phone?</p> <p>12 A. No.</p> <p>13 Q. Do you know why?</p> <p>14 A. I had nothing to talk to him about.</p> <p>15 Q. So even though he wanted to set up 16 another meeting with Joanne --</p> <p>17 A. Joanne wasn't interested in seeing 18 him.</p> <p>19 Q. And you didn't think it was 20 important for you just to tell Mr. Black, sorry, 21 the first meeting didn't go well, and she's told 22 me she's not ready to have another meeting so 23 don't come?</p> <p>24 A. I believe I communicated that with 25 him. I don't know if it was via phone, email,</p>	<p style="text-align: right;">Page 145</p> <p>1 Esaun Pinto 2 Page 3 and 4 is the email we just discussed.</p> <p>3 A. Right.</p> <p>4 Q. And at the bottom of Page 2, that's 5 where I would like you to look at is where I 6 think you respond to Mr. Black. Okay, you wrote 7 on September 29, the day after or two days after 8 Mr. Black wrote to you, Hello Bernard, I have 9 received your messages both by phone and now 10 email. Your visit with Joanne caused 11 unnecessary anxiety. For now I will just 12 continue to be supportive of her and follow her 13 wishes.</p> <p>14 The way you described the meeting 15 earlier in your testimony today it was more than 16 anxiety.</p> <p>17 A. Sure.</p> <p>18 Q. But you didn't write that to Mr. 19 Black.</p> <p>20 A. No, because I didn't want to 21 memorialize a bunch of curse words.</p> <p>22 Q. I see. You continued on, Joanne's 23 recovery is of utmost importance to me. I will 24 wait to see what comes of the conflict between 25 you, Cherie and Anthony.</p>

<p style="text-align: right;">Page 146</p> <p>1 Esaun Pinto 2 So the email which I think was 3 exhibit, I don't have it in front of me, we 4 recently saw an email that Mr. Black shared with 5 you his concerns about Ms. Wrigley becoming the 6 guardian, the sole guardian. 7 A. Right. 8 Q. Is that the conflict you're talking 9 about between you, Mr. Black, Cherie and 10 Anthony? 11 A. Yeah. 12 Q. And then you wrote, I have spoken 13 with Ms. Young and Ms. Babcock. Is Ms. Young 14 Gayle Young? 15 A. Yes. 16 Q. And what do you recall about that 17 conversation? 18 A. I just remember her asking me about 19 my relationship with Joanne, the history of our 20 relationship, that was with Ms. Babcock as well. 21 Our history together, and then what was going on 22 currently with her, her care. 23 Q. I don't recall, I should probably 24 know this, but do you know who Ms. Babcock was? 25 A. I think she was an investigator</p>	<p style="text-align: right;">Page 148</p> <p>1 Esaun Pinto 2 Q. Finally, Joanne is not willing to 3 see or speak with you at this time. You wrote, 4 I will continue to visit her at least twice a 5 week and keep you updated as much as I can. So 6 you were going to tell Mr. Black about Joanne's 7 progress and how she was doing and so on? 8 A. Yeah, as long as Joanne was all 9 right with it. 10 Q. Did you discuss that with Joanne, 11 you know, I'd like you to, it's okay with me if 12 you contact my brother and tell him how I'm 13 doing? 14 A. No, I just followed Joanne's lead. 15 If Joanne didn't want me speaking to him, then I 16 didn't talk to him. 17 Q. So then Mr. Black wrote to you on 18 the 30th of September, and the text of his email 19 to you is on the top of Page 2. 20 A. Okay. 21 Q. Esaun, I am sorry but if you cannot 22 communicate with me and do so regularly not 23 after many attempts and a long delay, I cannot 24 justify continuing to pay you. I'm acting on 25 the advice of my Colorado counsel Carl</p>
<p style="text-align: right;">Page 147</p> <p>1 Esaun Pinto 2 from Colorado. 3 Q. She worked with Ms. Young? 4 A. I don't know in what capacity. 5 Q. And Ms. Young was the guardian ad 6 litem? 7 A. I believe so. 8 Q. Do you remember having any 9 conversations with Ms. DiPonio around this time? 10 A. I don't think so. I don't really 11 remember. I know I spoke to Ms. Young and Ms. 12 Babcock. 13 Q. And besides what you've already 14 told me, do you remember anything else about 15 what you said to either of those ladies? 16 A. No, we just talked about the 17 history of my relationship with Joanne and her 18 current care. 19 Q. And then you wrote, I have been 20 advised not to forward any information to you 21 with consent from Joanne, did you mean without 22 consent from Joanne? 23 A. What I meant is Joanne didn't want 24 me to forward anything. I think I followed that 25 up.</p>	<p style="text-align: right;">Page 149</p> <p>1 Esaun Pinto 2 Gladstein. That's G-L-A-D-S-T-E-I-N, who is 3 cc'd. Mr. Gladstein has advised me that in my 4 fiduciary capacity as financial conservator for 5 Joanne, executive of the estate of Renata Black 6 and co-trustee of her trust account, I cannot in 7 good conscious continue to pay for your services 8 when you refuse to communicate openly with me. 9 Then he goes on to tell you that 10 your services have been terminated. 11 A. Right. 12 Q. Did you discuss that with Ms. 13 Wrigley at the time you received this email? 14 A. Sure. 15 Q. What did Ms. Wrigley say? 16 A. Not to worry about it. 17 Q. Did you talk to Mr. Dain about 18 that? 19 A. I'm sure I did. 20 Q. Did you talk to him in an email? 21 A. I don't remember, I don't know. I 22 spoke to Cherie pretty regularly, so it was 23 probably by phone. 24 Q. If you spoke to Mr. Dain about 25 this, do you recall what he said?</p>

<p style="text-align: right;">Page 150</p> <p>1 Esaun Pinto 2 A. I don't remember, I don't know. I 3 don't know if it was me communicating with 4 Cherie and Cherie communicating with Mr. Dain or 5 vice versa, I don't know. 6 Q. Then you wrote back to Mr. Black. 7 If you look at the first page. 8 A. Sure. 9 Q. I think that covers it. And you 10 wrote, I don't have any problems communicating 11 with you. I have tried to communicate with you 12 throughout this process dating back to April of 13 2013. Only during the last two months have you 14 corresponded with me. All of my communications 15 have been with Cherie because you were unwilling 16 to be involved. 17 So it's your recollection at least 18 as of September 30, 2014 that Mr. Black hadn't 19 communicated with you except for the prior two 20 months? 21 A. Right, we only communicated 22 primarily via email about the invoices. 23 Q. And then you said, All of my 24 communications have been with Cherie because you 25 were unwilling to be involved. And how did you</p>	<p style="text-align: right;">Page 152</p> <p>1 Esaun Pinto 2 client was, my role would be defined. Again, 3 prior to this period of time, these couple of 4 months, Cherie and Bernard is Joanne's family, 5 they're one group, and then I'm taking care of 6 Joanne. 7 It wasn't until we started having 8 issues or they started having issues that there 9 became a divide. Even with that said, I 10 wouldn't have gone against what Joanne's wishes 11 were. I might have tried harder to convince 12 Joanne otherwise. 13 Q. And at the top email, there's one 14 more email here on Exhibit 25, Ms. Wrigley 15 writes to Bernard and copying Mr. Dain, you and 16 Mr. Gladstein. And she writes, This is a far 17 nicer note than Esaun ever received from you in 18 the 17 months since I hired him to be Joanne's 19 personal helper. Had you ever received 20 unpleasant emails? 21 A. The communications weren't 22 pleasant. We were arguing about invoices. I 23 wanted to update Bernard with things about 24 Joanne's care and pictures and things like that 25 and he wasn't interested.</p>
<p style="text-align: right;">Page 151</p> <p>1 Esaun Pinto 2 decide that Mr. Black had been unwilling to be 3 involved? 4 A. I had requested meetings with him. 5 Q. And he didn't, he said I'm not 6 interested in coming? 7 A. He came up with some form of 8 excuse, I don't know if it was I'm not 9 interested in coming or I'm busy this weekend, 10 I've got a birthday party next month. I don't 11 know what the reason was, but it wasn't until 12 the line was drawn in the sand after Cherie's 13 visit to where Bernard started to communicate 14 with me on a more regular basis. 15 Q. And you wrote further, Your request 16 for information from me is against Joanne's 17 wishes and I will not betray her trust. 18 Furthermore, I have requested a client agreement 19 in writing from you over a year ago, and without 20 it I hold the position that Joanne is my client 21 with Cherie managing her affairs. 22 If you had a client agreement, 23 would you have considered Mr. Black to be your 24 client then? 25 A. Possibly, if he defined who my</p>	<p style="text-align: right;">Page 153</p> <p>1 Esaun Pinto 2 Q. Then she says, By the way, I called 3 him, and I think she's referring to Mr. 4 Gladstein, this afternoon and left a message 5 regarding some alleged improprieties on your 6 part and let him know what kind of client he was 7 involved with. 8 Do you know what alleged 9 improprieties that Ms. Wrigley told Mr. 10 Gladstein about? 11 A. That is irrelevant to me. I didn't 12 pay much attention to that. 13 Q. So she didn't tell you about the 14 alleged improprieties? 15 A. If she did, I didn't pay any 16 attention to it. 17 Q. Do you know why she copied you on 18 this email? 19 A. Maybe she wanted me to know what 20 was going on, but it was not stuff I was 21 interested in. 22 Q. Here's 26, Mr. Pinto. You know, I 23 haven't been asking this question but I probably 24 should. Do you recall seeing this email before? 25 A. This one?</p>

<p>1 Esaun Pinto 2 Q. Yes. 3 A. I don't know. It doesn't look 4 familiar. I could read it and figure out if I 5 read it before. 6 Q. Okay. 7 MR. MANCILLA: What number is this? 8 MR. SCHAALMAN: This is 26. 9 Q. Here's an email from Mr. Black back 10 in September now of 2014 before he visited 11 Joanne on the 18th of September. And it's an 12 email from you to, from Mr. Black to you, to Ms. 13 Wrigley. 14 A. And it starts on the second page? 15 Q. I don't think it starts on the 16 second page, at least my copy doesn't. 17 A. You said I wrote this email? 18 Q. No, I said it's from Mr. Black. If 19 I said that, I'm sorry, it's from Mr. Black to 20 you and Ms. Wrigley and Dorothy Dain and Anthony 21 Dain. Did you ever have any conversations with 22 Dorothy Dain? 23 A. On our visits, we spoke casually. 24 Q. Do you remember talking to her 25 about Joanne's care?</p>	<p>Page 154</p> <p>1 Esaun Pinto 2 them the moon but she has done that before. I 3 asked them to reconsider some stricter options 4 and in return we would provide housing for 5 Joanne that was more to her liking. A small 6 apartment near the outpatient clinic where she 7 will be attending her program. 8 Do you recall discussing that with 9 Ms. Wrigley? 10 A. Sure. 11 Q. An apartment for Joanne near her 12 outpatient clinic? 13 A. Sure. 14 Q. It looks like Mr. Black wrote to 15 you below after that paragraph, I do not support 16 this approach. I think a move to a halfway 17 house can succeed. A jump beyond that is likely 18 to lead to failure, in my judgement. What will 19 make Joanne show up at an outside program? What 20 will we do when she doesn't? 21 Did you think that was a reasonable 22 suggestion on Mr. Black's part? 23 A. No. 24 Q. Why not? 25 A. He hadn't even seen her yet.</p>
<p>1 Esaun Pinto 2 A. I might have. She might have asked 3 me questions, but this is, I don't know if, I'm 4 pretty sure I only met -- I didn't meet Dorothy 5 until after Joanne was released from the 6 hospital, and Joanne would be present for those 7 meetings. 8 Q. Okay. And here's Mr. Black, he's 9 sending you what Cherie wrote. And she wrote, 10 The team was very close to releasing her without 11 proper supervision. The capital letters AOT. 12 Do you know what that is? 13 A. Yeah, I'm familiar with AOT. 14 Q. What does that mean? 15 A. If my memory serves me correctly, 16 it's where the patient gets released and they 17 have the ability to release a response team in 18 the event that the patient has a problem, 19 something like that. I've heard the term before 20 though. 21 Q. And further Cherie wrote, The truth 22 is she is not legally a danger to herself or 23 others. She has made fantastic progress and 24 they're having a hard time justifying keeping 25 her locked up. Of course Joanne was promising</p>	<p>Page 155</p> <p>1 Esaun Pinto 2 Q. Going to a halfway house was not 3 reasonable? 4 A. He hadn't even seen her yet. He 5 hadn't spoken to her, he hadn't seen her, how 6 does he know? 7 Q. Okay. And then on the last 8 paragraph of that email to you and to Ms. 9 Wrigley and to Mr. Dain in the second page Mr. 10 Black writes, Also, part of why I hope that 11 Joanne will be willing in the medium term to 12 move to Chicago is that with supervision from me 13 and Kate living on her own is more likely to 14 succeed. We cannot hope to sustain this in New 15 York away from family. 16 Did you ever discuss with Joanne 17 moving to Chicago? 18 A. Yeah, we talked about it. 19 Q. And by your demeanor, I can tell 20 you didn't think she wanted to do that. 21 A. Her last experience in Chicago 22 wasn't a good one. 23 Q. Did you think it was unreasonable 24 for Mr. Black to want, to help supervise Joanne 25 in Chicago?</p>

<p style="text-align: right;">Page 158</p> <p>1 Esaun Pinto 2 A. Sure. 3 Q. Why? 4 A. Because he hadn't even seen her. 5 She's been, she spent two years traveling the 6 country and now, what's the date on this? 7 Q. This is September. 8 A. And now another 18 months 9 hospitalized. No, no, no, but he wants to move 10 her into his backyard. He hadn't even seen her, 11 he hadn't spoken to her, he hadn't seen her. 12 MR. SCHAALMAN: Let's take ten 13 minutes. Please mark these. 14 (Five documents were hereby marked 15 as Pinto Exhibits 28-32 for identification, 16 as of this date.) 17 (A recess was taken from 3:32 p.m. 18 until 3:43 p.m.) 19 Q. Mr. Pinto, I am going to double 20 back on a couple more exhibits that I actually 21 should have put earlier but I didn't, so that's 22 my fault, so I apologize for taking them out of 23 order. And that's number? I didn't look at the 24 number. 25 A. Thirty.</p>	<p style="text-align: right;">Page 160</p> <p>1 Esaun Pinto 2 to retrieve Joanne in Colorado? 3 A. I think so. 4 Q. You don't think you did? 5 A. I think so. 6 Q. How did you receive the retainer? 7 A. I don't remember exactly, and I'm 8 not sure if the initial retainer came from 9 Cherie or Bernard. 10 Q. He wrote, I think there is zero 11 chance that Joanne will volunteer for treatment. 12 Did you agree with that? 13 A. No. 14 Q. And then he wrote, I do want to 15 make sure she has access to funds to cover 16 ordinary living expenses. 17 Based on your first communication 18 to and from Mr. Black, did you form any opinions 19 about him as a brother to Joanne? 20 A. No, I mean, all I can go off of is 21 our correspondence and what Joanne has told me 22 over the years. 23 Q. Mr. Pinto, here's Exhibit 31. This 24 appears, Exhibit 31 to be a continuation of the 25 email string, what looks like Mr. Black is</p>
<p style="text-align: right;">Page 159</p> <p>1 Esaun Pinto 2 Q. Thirty, thanks. Exhibit 30 appears 3 to be, Mr. Pinto, an email, starting an email 4 from you to Mr. Black and then a response from 5 Mr. Black. 6 Your email is dated April 9, 2013 7 and the subject is Joanne. And by your first 8 sentence which reads, This is investigator Esaun 9 Pinto suggests to me, is this your first 10 communication with Mr. Black? 11 A. I believe so. 12 Q. In the second paragraph you refer 13 to something you've already testified to. I 14 need a client agreement from you detailing my 15 efforts as well as a \$5,000 retainer. Do you 16 recall whether you received the retainer? 17 A. Yes, I did. 18 Q. And Mr. Black responded to you in 19 the email above on the same day and said, We 20 should talk first. Unfortunately I am totally 21 flat out tomorrow. I can call you on Thursday 22 if that is okay. I think there is zero chance 23 that Joanne will volunteer for treatment. 24 Do you recall having a telephone 25 conversation with Mr. Black before you went out</p>	<p style="text-align: right;">Page 161</p> <p>1 Esaun Pinto 2 responding to your prior email. 3 A. Okay. 4 Q. That's what it looks like to me. 5 If that doesn't make sense to you and you want 6 to read it more carefully, that's fine, because 7 your email is in Exhibit 30. 8 A. This appears it's missing an email. 9 Q. Well, it's missing the first email. 10 A. On 30? 11 Q. Yes, that's right. 12 A. Okay. 13 Q. Sometimes people do that. 14 A. Got you. 15 Q. They reply to the original email 16 and don't reply to the continued on the string. 17 So the email I want to talk to you about is the 18 top one on 31. 19 A. Sure. 20 Q. And it's from Mr. Black to you and 21 it's copied to Dorothy Dain. 22 A. Right. 23 Q. Do you know why Mr. Black copied 24 Dorothy Dain on this one? 25 A. I have no idea.</p>

<p style="text-align: right;">Page 162</p> <p>1 Esaun Pinto 2 Q. He wrote on April 25, 2013, Mr. 3 Pinto, I tried to leave my cousin, Cherie 4 Wrigley, in charge of your efforts but can no 5 longer do so. Every cost estimate she has 6 provided to me has been immediately exceeded by 7 a large amount. I was told \$5,000, then told a 8 few thousand more, then another 10,000. Now I 9 have your bill for a total of 30,000, with 10 ongoing daily costs far above what my mother's 11 estate can sustain in the very short term. 12 Did you provide information to Ms. 13 Wrigley in which she then increased the amount 14 that she was asking Mr. Black to pay? 15 A. Sure. 16 Q. Do you recall asking for another 17 10,000 after the first 5,000 as of April, in 18 April 2013? 19 A. Sure, I mean, we had no idea when I 20 went to see Joanne in Colorado what this thing 21 was going to look like, how long it was going to 22 go on. There was no long-term plan. So we kind 23 of went day-by-day, and my job was to just 24 continue to keep Joanne safe and try to convince 25 her to check herself in on her own.</p>	<p style="text-align: right;">Page 164</p> <p>1 Esaun Pinto 2 As of April 25, 2013, had you 3 spoken to Anthony Dain yet? 4 A. I don't remember. I don't think 5 so, but I'm not sure. I don't remember. 6 Q. When Mr. Black wrote that you 7 should be speaking to Mr. Dain as the trustee to 8 receive funds, do you remember ever doing that? 9 A. I don't remember. I mean, I spoke 10 to Mr. Dain eventually. I don't know if this is 11 the time, I don't really know. 12 Q. And then finally he wrote, I will 13 pay charges incurred to date. But simply cannot 14 operate this way going forward. Going forward I 15 need an estimate in advance and we need to bring 16 the daily run rate down, way down and way down. 17 And then he wrote, Can we arrange a 18 time to talk, I will be in my office today and 19 then he gave you his phone number. Do you 20 remember calling him on April 25, 2013 as he 21 asked? 22 A. I don't remember that. I'm trying 23 to remember the amount of times I spoke to 24 Bernard on the phone. It was very rare, and I 25 believe the times that I did speak to Bernard on</p>
<p style="text-align: right;">Page 163</p> <p>1 Esaun Pinto 2 There were even plans of getting 3 Joanne like involved in outpatient programs. So 4 we actually attempted to do that a couple of 5 times. There were like therapeutic events going 6 on in Central Park and in other areas of the 7 city that we took her to attend. 8 Q. When you were in Denver with Ms. 9 Black, did you attempt to check her into a 10 hospital out there? 11 A. No. 12 Q. Or any other psychiatric mental 13 health services? 14 A. No. 15 Q. Your goal was to get her back to 16 the New York area? 17 A. My goal was to continue to gain her 18 trust and keep her safe. I knew Joanne needed 19 help, I just wasn't completely sure how to go 20 about doing that. 21 Q. He also wrote, Also, I am the only 22 executor, not the trustee for Joanne, and the 23 trustee, my cousin Anthony Dain, has been 24 uninvolved. Charges of this level should be 25 approved by him, not me.</p>	<p style="text-align: right;">Page 165</p> <p>1 Esaun Pinto 2 the phone they were conference calls with 3 Cherie. 4 Q. Between April 9 when you wrote your 5 first email and Mr. Black's email to you on 6 April 25, had you already gone to Denver? 7 A. Yeah. 8 Q. You were out there already? 9 A. Yeah. 10 Q. Had you returned? 11 A. We were, by this time we were back 12 in New York already, we were back in the New 13 York area. 14 Q. Okay. Did you have any idea why 15 Mr. Black was concerned about getting estimates 16 to pay for care? 17 A. Yeah, I mean he put it in the 18 email, he said the numbers were big. The 19 numbers were big. 20 Q. Here's 32, Mr. Pinto. So if we 21 look at the bottom two emails, they appear to be 22 from you on May 7th, and then the first one 23 looks like to Cherie Wrigley on May 3 and the 24 subject is revised invoice. 25 A. Say that one more time, please.</p>

<p style="text-align: right;">Page 166</p> <p>1 Esaun Pinto 2 Q. Sure, sure. 3 A. Oh, okay, yes. 4 Q. Actually, there's another original 5 message from Pinto Peggy to Esaun. Pinto Peggy 6 is someone -- 7 A. My wife. 8 Q. And the subject was revised 9 invoice. Did she work in the business with you? 10 A. No, but she helped out with some of 11 my clerical stuff. 12 Q. So is it your recollection she 13 helped you revise the invoice? 14 A. Sure. I'm not very techie, 15 computer savvy, so my wife is so she helped me 16 with a lot of that. 17 Q. And I don't see what the email is, 18 but it looks like you sent an email to Cherie 19 Wrigley on May 3rd about a revised invoice. Do 20 you recall if you sent that revised invoice 21 first to Cherie and then later on to Bernard? 22 A. Oh, I don't know. 23 Q. Would there have been a reason to 24 get it to Cherie before you sent it to Bernard? 25 A. No, other than I was communicating</p>	<p style="text-align: right;">Page 168</p> <p>1 Esaun Pinto 2 to be billed, but you still continued to visit 3 Joanne? 4 A. No, so what I did was at one point, 5 so the guys that I had working with me for 6 Joanne, the guys that Joanne had known for 7 years, the guys that had been with me for a long 8 time, so when we started to get some push back 9 from Bernard on the invoices, the invoices were 10 big. 11 What I tried to do at one period 12 was, the motel that she was staying at had 13 security. When Joanne went to sleep, I tried to 14 have the hotel security monitor, I gave them my 15 phone numbers, my guys's phone numbers, we 16 parked the patrol vehicle outside of her door. 17 It was one of those motels where 18 people could drive right up to the door. But 19 that didn't work too well, that didn't work too 20 long. 21 Q. She would leave the motel? 22 A. She didn't appreciate somebody 23 other than one of us being there, so it didn't 24 work. And it was a little risky. But at the 25 time when I did that, Joanne seemed to be okay,</p>
<p style="text-align: right;">Page 167</p> <p>1 Esaun Pinto 2 with Cherie more. 3 Q. And then on May 7th, it looks like 4 there's an email to you, again, the subject 5 matter being revised invoice from Mr. Bernard 6 Black, saying, Esaun, received. As you know, 7 this is not close to being a sustainable spend 8 rate. What are your plans to bring this down. 9 Did you understand what he meant by spend rate? 10 A. Yeah, yeah. 11 Q. Did you talk to Ms. Wrigley about 12 what she thought was a sustainable spend rate 13 for your services? 14 A. We spoke about the bills being big, 15 yeah. 16 Q. And then you emailed Mr. Black the 17 same day. And you wrote, I have reduced the 18 amount of hours by half which will be reflected 19 in this week's invoice. I also spent more hours 20 with Joanne which I haven't included in the 21 invoice. There also hasn't been any additional 22 cost in the next billing week, so the invoice 23 will be at least 50 percent less than the last. 24 So if I understand what you're 25 saying here is you reduced your number of visits</p>	<p style="text-align: right;">Page 169</p> <p>1 Esaun Pinto 2 and she was in her room for a set period of time 3 every night. 4 Joanne goes to bed extremely early, 5 she's in bed seven, 7:30. And then she's up 6 three, four a.m. 7 So I gave it a shot at having the 8 hotel security, and I paid out-of-pocket for 9 this, I paid the guy, listen, take care of my 10 client. I'm going to try this, whatever, 11 whatever and, like I said, it just didn't work. 12 Q. What was Joanne afraid of that she 13 needed security? 14 A. A lot of things. Joanne has a lot 15 of different triggers. Her trigger is any 16 emergency service vehicle, sirens, the lights, 17 the noise, and then throughout this whole course 18 before she gets hospitalized she's afraid of 19 Bernard. 20 Q. What's her response to these lights 21 and noise triggers? 22 A. She needs to go hide. 23 Q. And in this time period 2013, if 24 she has somebody that she trusts there, she 25 feels better?</p>

<p style="text-align: right;">Page 170</p> <p>1 Esaun Pinto 2 A. Absolutely. 3 (Two email chains were hereby 4 marked as Pinto Exhibits 33 and 34 for 5 identification, as of this date.) 6 Q. Home stretch, Mr. Pinto. I 7 appreciate your patience. 8 A. I was hoping to come back tomorrow. 9 Q. If you'd like to come back, I 10 invite you. I think that's Exhibit 33. 11 A. Yes. 12 Q. But if you come back, you can't 13 bring Robert or Andrew. 14 A. Oh, wow. 15 MR. FANTONE: What number is this? 16 MR. SCHAALMAN: 33. 17 Q. Mr. Pinto, if you would look at the 18 second page of Exhibit 33. 19 A. The second page? 20 Q. Yes, sir. I'm now looking at, we 21 already talked about the first two emails. I'm 22 now looking at April 10, 2013 from Cherie 23 Wrigley to Bernard Black. I realize you're not 24 a recipient of that email, so I'm only going to 25 ask you a general question.</p>	<p style="text-align: right;">Page 172</p> <p>1 Esaun Pinto 2 on the next day on the 17th or 18th of April? 3 A. Somewhere around there. 4 Q. So then you list the expenses that 5 you wanted to be reimbursed for. 6 A. Sure. 7 Q. Okay, let's go in a little 8 different direction. Here's Exhibit 28. This 9 is an email from Pam Kerr to Cherie Wrigley and 10 Bernard Black, dated May 18, 2015. Have you 11 ever seen this before? 12 A. I don't think so. 13 Q. Do you know who Pamela Kerr is? 14 A. Yes, I do. 15 Q. Have you spoken to her on the 16 telephone? 17 A. I've spoken to her. I don't 18 remember if it was on the phone, but I met 19 Pamela. 20 Q. Where did you meet Pam Kerr the 21 first time? 22 A. I believe Ira's office, I think. 23 Q. Mr. Salzman's office? 24 A. I think so, or a hotel room. I 25 don't really remember, but I met her before.</p>
<p style="text-align: right;">Page 171</p> <p>1 Esaun Pinto 2 A. Sure. 3 Q. Cherie writes, Ms. Wrigley writes, 4 Bernie, I have already wired him the money. You 5 authorized 5,000. I talked to the family 6 including Tony. We all saw no down side. What 7 is the hold up? You can pay me back soon! She 8 is so troubled. Do you recall that you had the 9 money wired to you? 10 A. That's what I just mentioned a 11 minute ago, I didn't know if the initial payment 12 was paid by Bernard or Cherie. 13 Q. Let's go on to 34. So this is an 14 email, Mr. Pinto, from you to Cherie Wrigley 15 dated April 16, 2013. 16 A. Right. 17 Q. And you write, Hey Cherie, I would 18 just like to say that this has been an 19 adventure, exciting and difficult. Joanne has 20 shown progress and has been somewhat open to my 21 criticism. I am truly trying my best to edge 22 her into getting the much needed help she 23 requires. Hopefully our journey to New York 24 will go event free and we can get there safely. 25 So did you start out for New York</p>	<p style="text-align: right;">Page 173</p> <p>1 Esaun Pinto 2 Q. Do you remember what year that was? 3 A. Oh, I don't know. 4 Q. Did Ms. Wrigley ever share the 5 substance of this email with you? 6 A. Yeah, this was discussed, yeah. 7 Q. What did she say to you about this, 8 the subject of overpayment? 9 A. Yeah, she said that they believed 10 there was, that I was overpaid, and they were 11 questioning any expenses and things of that 12 nature, yeah. Requesting receipts and things of 13 that nature, sure. 14 Q. What did she say to you besides 15 that that was going on, did she have an opinion, 16 whether it was legitimate or correct? 17 A. I don't remember her giving me an 18 opinion of it. 19 Q. In addition, did she tell you, if 20 you look at the third paragraph, Pam Kerr wrote, 21 I would absolutely dispute some of the charges, 22 especially the two weeks before Joanne's 23 hospitalization and a flat fee of \$8,000 a 24 month. 25 Did Ms. Wrigley share that with</p>

<p style="text-align: right;">Page 174</p> <p>1 Esaun Pinto 2 you, that Pam Kerr was disputing your \$8,000 a 3 month? 4 A. I don't remember. No, I don't 5 recall that. 6 Q. And there's a bullet point below. 7 As you can see, based on the invoices provided 8 by Esaun, the total charges from April 13, 2013 9 through October 31, 2014 is \$258,350. Is that 10 number correct? 11 A. I don't know. 12 Q. Is it in the ballpark? 13 A. It probably is. 14 Q. As of May 18, 2015, were you still 15 providing services to Joanne? 16 A. In May, yes. 17 Q. When was the last time you provided 18 services to her? 19 A. I never stop providing services for 20 Joanne. 21 Q. And I realize you have a special 22 sort of relationship. I should have asked it 23 this way. When was the last time, if ever, that 24 you have stopped providing services for which 25 you were compensated?</p>	<p style="text-align: right;">Page 176</p> <p>1 Esaun Pinto 2 Q. Okay. 3 A. That's for \$6,000 a month. That 4 number was reduced by the courts in Colorado to 5 \$1,000 a month, and I believe they put it under 6 the category of companionship, and that's what 7 was allowed for companionship. 8 Q. So initially Joanne agreed to pay 9 you \$6,000 a month for your services that you'd 10 been providing? 11 A. Yes. 12 Q. When was that contract between you 13 and Joanne written or signed, rather signed? 14 A. I don't remember exactly, but I 15 believe sometime in 2015. 16 Q. Would it have been after then this 17 email from Pamela Kerr? 18 A. This email was sent May 18th. It's 19 got to be right around that. 20 Q. Right around that time? 21 A. Yes. 22 Q. And do you recall how you were 23 being paid, where the money was coming from for 24 that contract that you had with Joanne? 25 A. I was being paid by Cherie for a</p>
<p style="text-align: right;">Page 175</p> <p>1 Esaun Pinto 2 A. That's a mixed question. What do 3 you mean by that, compensated financially? 4 Q. Financially. 5 A. From who? 6 Q. From anyone. 7 A. I still am. 8 Q. Okay. And currently you're being 9 paid for your services to Joanne? 10 A. Yes. 11 Q. Who is paying that? 12 A. Joanne. 13 Q. Jeanette Goodwin? 14 A. Yes. 15 Q. And are you being paid for weekly 16 visits? 17 A. She sends me \$1,000 a month. 18 Q. \$1,000 a month, and that's to cover 19 what? 20 A. Whatever I do with Joanne. There 21 was no set visitation or compensation. 22 Q. I assume this is something that 23 Joanne requested that you continue to be part of 24 her life? 25 A. I have a contract with Joanne.</p>	<p style="text-align: right;">Page 177</p> <p>1 Esaun Pinto 2 period of time. 3 Q. Do you know when you had had the 4 contract with Joanne, was Cherie paying? 5 A. No, I believe at that point I was 6 being paid by Melissa Schwartz. 7 Q. Here's Exhibit 29. Exhibit 29 is a 8 spreadsheet prepared by, I'll tell you what I 9 think it is, prepared by Pamela Kerr and it was, 10 I think, attached to Exhibit 28. If you look 11 there's a line that says attachment, schedule of 12 Esaun Pinto's invoices and payments made. 13 A. Right. 14 Q. I think this is what Pam Kerr sent 15 to Cherie Wrigley, Bernard Black, Lisa DiPonio, 16 Carl Gladstein and Nancy Peterson. Did Cherie 17 Wrigley share this exhibit with you? 18 A. I don't believe Cherie did. I've 19 seen it before. I don't remember where I saw 20 it, but I saw it. 21 Q. Did you ever resolve, to your 22 satisfaction, the question of whether you were 23 overpaid by \$41,000? 24 A. Did I resolve it with who? 25 Q. Anyone.</p>

<p style="text-align: right;">Page 178</p> <p>1 Esaun Pinto 2 A. I resolved it with myself. 3 Q. What was -- 4 A. I was not overpaid. 5 Q. So you didn't return any moneys -- 6 A. No. 7 Q. -- to anyone? 8 A. No. 9 Q. Mr. Pinto, when was the first time 10 that you retained -- I'm not asking who or what 11 was said -- but when was the first time you 12 retained counsel in this lawsuit? I'm looking 13 for a year or a month. 14 A. I don't remember. Bobby and Andrew 15 were the only counsel that I had. Excuse me. 16 That's not right. We did have an attorney 17 before that and his name was -- 18 Q. Was it Waterston? 19 A. Waterston, yes. 20 Q. When you retained Mr. Waterston, 21 did you meet with him? 22 A. Yes. 23 Q. Was Ms. Wrigley along with you when 24 you retained him? 25 A. The first meeting, I don't think</p>	<p style="text-align: right;">Page 180</p> <p>1 Esaun Pinto 2 MR. FANTONE: Well, I have reason 3 to believe that Ms. Wrigley initiated these 4 conversations upon advice of other counsel, 5 so it could be attorney-client or work 6 product. 7 Q. Did Ms. Wrigley tell you that her 8 communications with you about hiring a lawyer 9 were confidential? 10 A. I don't even remember. When and 11 where and how those conversations were, I don't 12 remember. 13 Q. You do remember they took place 14 before you went to see Mr. Waterston? 15 A. Sure. 16 Q. So if we knew when your first visit 17 with Mr. Waterston was, at least we could date 18 that? 19 A. Sure. 20 Q. Approximately that conversation? 21 A. Sure, I just don't remember when 22 that was. 23 Q. Was it sometime in 2016? 24 A. Possibly. 25 Q. That's when the lawsuit --</p>
<p style="text-align: right;">Page 179</p> <p>1 Esaun Pinto 2 she was. 3 Q. And did you and Ms. Wrigley have 4 any conversation before that meeting that you 5 had with Mr. Waterston about retaining joint 6 counsel? 7 A. Yes. 8 Q. And what was said at that meeting? 9 A. That we needed an attorney. The 10 detail of the conversation, I don't really 11 remember. 12 Q. Do you remember why you decided to 13 hire the same lawyer? 14 MR. FANTONE: I'm going to object 15 and direct him not to answer. 16 MR. SCHAALMAN: On what basis, Mr. 17 Fantone? 18 MR. FANTONE: They're having a 19 conversation about anticipation of 20 litigation or actually litigation that had 21 already instituted to which they're both 22 defendants. 23 MR. SCHAALMAN: And what's the 24 privilege that attaches to two defendants 25 talking about litigation?</p>	<p style="text-align: right;">Page 181</p> <p>1 Esaun Pinto 2 A. I actually was thinking '15, but 3 maybe it was '16. 4 Q. The lawsuit was filed in March of 5 2016. 6 A. Okay. 7 Q. So your conversation with Mr. 8 Waterston would have been after that date. Did 9 you talk to Mr. Dain about retaining counsel? 10 A. I might have, I don't remember. 11 Q. When you decided to retain counsel 12 with Ms. Wrigley, did you enter into any 13 agreements with Ms. Wrigley? 14 A. As far as what? 15 Q. As far as your counsel, as far as 16 communications with your counsel, any agreements 17 whatsoever, either orally or in writing. 18 A. I don't think so. I don't know. I 19 don't completely understand what you're saying. 20 Q. At some point you testified just 21 now that you had a conversation with Ms. Wrigley 22 about retaining counsel. 23 A. Right. 24 Q. Right, and you told me you don't 25 really remember much about the substance of that</p>

<p style="text-align: right;">Page 182</p> <p>1 Esaun Pinto 2 conversation. 3 A. Right. 4 Q. And then you met with Mr. 5 Waterston. And I think you've testified that 6 you met with Mr. Waterston alone without Ms. 7 Wrigley. 8 A. I believe the first meeting was by 9 myself. 10 Q. And then was there a subsequent 11 visit with Mr. Waterston where you and Ms. 12 Wrigley were both there? 13 A. Sure. 14 Q. And as a result of your decision to 15 retain the same lawyer, did you reach any 16 agreement with Ms. Wrigley about retaining the 17 same lawyer? 18 MR. FANTONE: I'm going to object 19 to form. 20 A. If we decided to use the same 21 lawyer, was there an agreement other than 22 agreeing to use the same attorney? 23 Q. Yes. 24 A. No. 25 Q. Did Ms. Wrigley ever discuss with</p>	<p style="text-align: right;">Page 184</p> <p>1 Esaun Pinto 2 interest agreement? 3 A. Not that I'm aware of. 4 MR. FANTONE: Object to form. You 5 know that I signed that agreement on his 6 behalf. 7 MR. SCHAALMAN: I'm not sure that 8 is enough though. I'm still able to ask 9 the question. 10 Q. Did anyone ever explain to you what 11 a joint defense and common interest was? 12 MR. FANTONE: Objection. 13 Q. Just a yes or no. 14 MR. FANTONE: Don't disclose any 15 legal advice that you may have received 16 from an attorney. You can answer yes or no 17 if you recall. 18 A. I don't recall. 19 Q. Has Mr. Salzman ever given you 20 legal advice? 21 MR. KATZ: Objection to form. 22 THE WITNESS: Do I answer that? 23 MR. KATZ: I mean, hey, Bob, I'm 24 going to caution the witness because I 25 think the question is getting into the</p>
<p style="text-align: right;">Page 183</p> <p>1 Esaun Pinto 2 you a common interest or joint defense? 3 MR. KATZ: Objection to the form. 4 MR. FANTONE: Object to form. 5 THE WITNESS: Do I answer? 6 MR. FANTONE: You can answer. 7 A. Say it again. 8 Q. Did Ms. Wrigley ever discuss with 9 you a common interest or joint defense? 10 MR. KATZ: Same objection. 11 A. In regards to, yeah, I've come here 12 to tell the truth. There was no scheme on how 13 to get, it was just -- 14 Q. I don't mean to suggest there was a 15 scheme. Those are words of art that -- 16 A. I answered your question. I came 17 here to tell the truth. 18 Q. Of course. 19 A. Cherie's theory was when they hear 20 your story and they understand what happened, 21 this will all go away. The only problem with 22 this whole thing is that your client never 23 wanted to show up and I begged him to. 24 Q. I understand. Did you ever sign an 25 agreement called a joint defense or common</p>	<p style="text-align: right;">Page 185</p> <p>1 Esaun Pinto 2 issue of common interest and joint defense 3 that has been raised in this case. 4 MR. FANTONE: What's the question? 5 MR. KATZ: Do you want to repeat 6 it? 7 MR. FANTONE: Sure, I think I heard 8 it, but you can repeat it. 9 MR. DAIN: I'm also going to object 10 because it requires a legal conclusion. 11 MR. KATZ: I'll going in that 12 objection as well. 13 MS. HOSKINSON: I join. 14 MR. FANTONE: Join. 15 (The record was read.) 16 THE WITNESS: Do I answer the 17 question? 18 MR. FANTONE: Do not detail any 19 legal advice that Mr. Salzman has given 20 you. 21 A. Not that I remember. 22 Q. Thank you. It's just a yes or no. 23 A. Not that I remember. 24 Q. Has Mr. Dain ever given you legal 25 advice?</p>

<p style="text-align: right;">Page 186</p> <p>1 Esaun Pinto 2 A. Not that I recall. 3 MR. DAIN: That requires a legal 4 conclusion. I also object to the common 5 interest agreement. 6 MR. KATZ: I join in those 7 objections. 8 MR. FANTONE: We'll join. 9 Q. Mr. Pinto, you have been the 10 recipient of numerous emails from a variety of 11 parties to the Colorado affair, to this case and 12 to other cases, do you recall that? 13 MR. KATZ: Objection to form. 14 Q. A form objection just means that he 15 doesn't like my question. 16 A. I've gotten many emails, sure. 17 Q. On those emails, have Mr. Dain, Ms. 18 Wrigley, Mr. Salzman, Ms. Kerr, have they been 19 on some of those emails you received? 20 A. I'm sure. 21 Q. When you've received those emails, 22 did any of those individuals tell you that you 23 needed to keep those emails confidential? 24 A. I don't read them unless my counsel 25 requires me, I don't even read it.</p>	<p style="text-align: right;">Page 188</p> <p>1 Esaun Pinto 2 A. I don't remember. 3 MR. FANTONE: No, you don't have to 4 answer that. He already answered it. 5 MR. SCHAALMAN: Okay, let's take 6 five minutes. I think I'm very near the 7 end, and I want to just make sure I haven't 8 lost some email in my pile. Let's go off 9 the record. 10 (A recess was taken from 4:29 p.m. 11 until 4:36 p.m.) 12 Q. Mr. Pinto, in 2015, did you have 13 any conversations with Ms. Wrigley about the 14 proceedings in the Probate Court in Colorado? 15 A. I believe it came up, yeah. 16 Q. And when do you recall your first 17 conversation with Ms. Wrigley about the probate 18 proceedings in Colorado? 19 A. Oh, I don't know. When? 20 Q. When, can you give me a season, a 21 month? 22 A. I have no idea. 23 Q. Would you agree that it took place 24 sometime in 2015, can we agree on that? 25 A. It's possible.</p>
<p style="text-align: right;">Page 187</p> <p>1 Esaun Pinto 2 Q. So you receive them? 3 A. I've received plenty of emails. 4 Q. I know that you received many 5 emails with those people and others on them. Is 6 it your testimony that every time you received 7 one of those emails you communicate with Mr. 8 Fantone or Mr. Mancilla? 9 A. I try not to read any of this 10 stuff. 11 Q. Do you know why people have 12 included you on those emails? 13 A. If I have an issue with the case, I 14 call my attorneys and they fill me in. If I 15 need to read something and I didn't pay 16 attention to something, then I'll do that. This 17 circus is going on for so long, I tried to avoid 18 reading emails. 19 Q. When you retained Mr. Waterston, 20 did he ever discuss with you joint defense and 21 common interest? 22 MR. FANTONE: Object, don't answer 23 that. 24 Q. You don't have to tell me what he 25 said, just the subject.</p>	<p style="text-align: right;">Page 189</p> <p>1 Esaun Pinto 2 Q. What was the nature of the 3 conversation, what was talked about? 4 A. Oh, I don't know. 5 Q. You don't know? 6 A. No, I don't. 7 Q. You don't recall? 8 A. No. 9 Q. Did Ms. Wrigley ask you to provide 10 any services in connection with the proceedings 11 in Colorado? 12 A. Services like what? 13 Q. Any assistance of any kind. 14 A. Not that I can recall. 15 Q. Did you meet with Mr. Dain about 16 the Colorado proceedings? 17 A. I don't know, I met Mr. Dain a few 18 times. I don't know if we specifically met 19 about the Colorado proceedings. 20 Q. What did you know about the 21 Colorado Probate Court proceedings that were 22 going on in 2015? 23 A. I know there was a bunch of things 24 going on in Colorado, but I didn't pay much 25 attention to the details. It really didn't have</p>

<p style="text-align: right;">Page 190</p> <p>1 Esaun Pinto 2 much to do with me at the time. 3 Q. Did you travel to Colorado for any 4 meetings relating to the case? 5 A. Uh-uh. 6 MR. KATZ: You have to answer 7 verbally. 8 A. No. 9 Q. In 2016 there was a proceeding 10 involving the guardianship for Joanne, do you 11 recall that? 12 A. Where? 13 Q. In Richmond County, New York. 14 A. Sure. 15 Q. How were you made aware of that, 16 how did you learn about it? 17 A. Probably from Cherie. 18 Q. What do you recall she told you? 19 A. I don't remember, but at the time I 20 was escorting Joanne to Ira's office, so I was 21 aware of a lot of stuff that was going on. I 22 testified to that, I believe. 23 Q. Did you sit in on meetings at Mr. 24 Salzman's office when you were escorting Joanne? 25 A. Some of them.</p>	<p style="text-align: right;">Page 192</p> <p>1 Esaun Pinto 2 MR. KATZ: Objection, I'm going to 3 object on the same basis I objected before. 4 MS. HOSKINSON: Join. 5 MR. FANTONE: The common interest. 6 THE WITNESS: Do I answer the 7 question? 8 MR. FANTONE: I mean, I think this 9 is documented in the court papers already, 10 so I'll join in the objection, but you can 11 answer the question. 12 A. Most of the time it was Cherie. 13 Q. And the other time when it wasn't 14 most of the time? 15 A. She didn't want a guardian at all. 16 Q. And you talked to Joanne after the 17 guardian proceedings were finished? 18 MR. FANTONE: Object to form. 19 A. Did I speak to her, I still speak 20 to her. 21 Q. Did you talk to her about the fact 22 that she wasn't going to have a guardian? 23 A. Yeah. 24 Q. Was she pleased by that? 25 A. Yeah, yes.</p>
<p style="text-align: right;">Page 191</p> <p>1 Esaun Pinto 2 Q. What do you recall was the subject 3 of those meetings? 4 MR. KATZ: I'm just going to 5 caution with the question because I think 6 you're delving into common interest issues 7 that we've raised throughout the 8 litigation. 9 So to the extent that you're asking 10 questions about the substance of these 11 meetings, I think that's protected under 12 the common interest doctrine. 13 THE WITNESS: Do I answer? 14 MR. FANTONE: Just answer the 15 question, but don't talk about specifically 16 what was the substance of the 17 conversations. 18 Q. Just what were the meetings about, 19 that's my first question. 20 A. About how she was doing, about who 21 she wanted as guardian, where she wanted to 22 live, what did she expect the rest of her life 23 to be like. 24 Q. Who did Joanne want to be her 25 guardian?</p>	<p style="text-align: right;">Page 193</p> <p>1 Esaun Pinto 2 Q. Did you ever have a conversation 3 with Cherie Wrigley where she told you that she 4 thought Bernard Black was stealing money from 5 his sister? 6 A. Yeah, sure. 7 Q. What did she say about that? 8 A. I don't remember the details of the 9 conversations. 10 Q. Can you remember in general what 11 the conversation was? 12 A. Yeah, the conversation was about 13 Bernard stealing Joanne's inheritance. How, I 14 didn't pay attention to the details. 15 Q. Can you give me a year in which 16 that conversation took place? 17 A. I don't know, it had to be when the 18 litigation started. 19 Q. Do you recall any conversations 20 with Mr. Salzman about claims that Bernard Black 21 had stolen inheritance from Joanne? 22 MR. KATZ: I'm going to object 23 again on the basis of common interest. 24 MR. FANTONE: Don't answer that. 25 MS. HOSKINSON: I join.</p>

<p style="text-align: right;">Page 194</p> <p>1 Esaun Pinto 2 MR. FANTONE: That's Joanne's 3 privilege. That's a conversation between 4 her and her attorney. 5 Q. Did you have any conversations with 6 Mr. Black outside of Joanne Black -- I'm sorry, 7 did you have any conversations with Mr. Salzman 8 outside the presence of Joanne Black about his 9 views that Mr. Bernard Black had stolen an 10 inheritance from Joanne? 11 A. Not that I recall. 12 Q. Did you have any conversations with 13 Mr. Salzman outside the presence of Joanne 14 Black? 15 A. In regards to this case or this -- 16 Q. In regards to anything. 17 A. Yes, we talked about other things. 18 Q. Other things related to the 19 litigation in Colorado? 20 A. No. 21 Q. Things related to this case, this 22 litigation? 23 A. No. 24 Q. To other matters totally unrelated? 25 A. Right.</p>	<p style="text-align: right;">Page 196</p> <p>1 Esaun Pinto 2 MR. FANTONE: Objection. Can you 3 put a time frame on that? 4 Q. Sure, let's say from October 1, 5 2015 through March 25, 2016. 6 MR. FANTONE: No, don't answer. 7 Q. So five months, six months. 8 MR. FANTONE: Don't answer it. She 9 was representing Cherie Wrigley at the 10 time. 11 Q. Did you have any conversations with 12 Ms. Cohenson outside the presence of Ms. 13 Wrigley? 14 MR. FANTONE: You can answer that. 15 Don't say what they were. 16 A. Sure. 17 Q. Were those conversations about the 18 guardianship matter? 19 A. No. 20 Q. Were they about the Colorado 21 Probate Court matter? 22 A. No. 23 Q. Were they about this case? 24 A. No. 25 Q. They were not about legal matters?</p>
<p style="text-align: right;">Page 195</p> <p>1 Esaun Pinto 2 Q. Was Mr. Salzman your attorney? 3 A. No. 4 Q. Were you talking to him about legal 5 matters? 6 A. No. 7 Q. Did you ever speak to Pam Kerr 8 about her view that Mr. Bernard Black was 9 stealing the inheritance from his sister Joanne? 10 A. Not that I recall. 11 Q. Were you angry that Ms. Kerr had 12 written this email in a spreadsheet in which she 13 concluded that you had been overpaid by \$41,000? 14 A. No. 15 Q. Did you ever have a conversation 16 with Melissa Cohenson? 17 A. I met her a few times, yeah. 18 Q. Did you have a conversation with 19 Melissa Cohenson outside the presence of Joanne 20 Black? 21 A. Sure. 22 Q. Did she ever tell that you she 23 believed that Bernard Black had stolen Joanne 24 Black's inheritance? 25 MS. HOSKINSON: Objection.</p>	<p style="text-align: right;">Page 197</p> <p>1 Esaun Pinto 2 A. They were about other matters, not 3 involving this case. 4 Q. Okay, thank you. Was Ms. Cohenson 5 of your attorney, did you ever retain her? 6 A. No. 7 Q. Did you have conversations with 8 Gayle Young about the guardianship matter in 9 Richmond County, New York? 10 A. Not that I can recall. 11 Q. How about Lisa DiPonio? 12 A. Not that I can remember. 13 Q. Did you have conversations with 14 Gayle Young about the Colorado Probate Court 15 matter? 16 A. Not that I can remember. 17 Q. And how about Lisa DiPonio, did you 18 have conversations with her about the Colorado 19 Probate Court matter? 20 A. Not that I can recall, no. 21 Q. Do you remember a man by the name 22 of Bart Russo? 23 A. The name rings a bell. 24 Q. Did you have any conversations with 25 Mr. Russo outside the presence of Mr. Salzman?</p>

<p style="text-align: right;">Page 198</p> <p>1 Esaun Pinto 2 A. It would help if I remembered who 3 he was. The name sounds familiar, but I don't 4 remember who he was. 5 Q. I'm just going through an inventory 6 of names as you can tell. 7 Did you ever have a conversation 8 with Pamela Kerr about a letter that she wrote 9 to Northwestern University? 10 A. No, not that I recall. 11 Q. Did you ever have a conversation 12 with Cherie Wrigley about complaints that she 13 filed on the Northwestern University EthicsPoint 14 system? 15 A. I heard about it after the fact, 16 yeah. 17 Q. How did you hear about it? 18 A. Cherie. 19 Q. What did she tell you? 20 A. She told me that something happened 21 with Northwestern, and the attorneys were mad at 22 her, something to that effect. 23 Q. When did you have that 24 conversation? 25 A. I don't know.</p>	<p style="text-align: right;">Page 200</p> <p>1 Esaun Pinto 2 MR. SCHAALMAN: Thank you, that's 3 all I have. I do reserve the right after 4 I've reviewed these documents that I may 5 have some additional questions since I 6 didn't get these until, they were sent last 7 night but I didn't get them until today. 8 Q. I should ask you about these 9 documents. Did you search your computers for 10 the documents that your lawyers produced today? 11 A. Yeah, sure. 12 Q. And that's how the documents got to 13 your lawyers through your searching your 14 computers? 15 A. These documents were produced a 16 number of times. I produced these documents a 17 few times. 18 Q. That is the ones marked Pinto EDNY 19 one through -- 20 A. I don't know what they're marked. 21 MR. FANTONE: Produced to whom? 22 Q. -- 94. 23 A. I know I produced them a number of 24 times. 25 MR. FANTONE: In this litigation?</p>
<p style="text-align: right;">Page 199</p> <p>1 Esaun Pinto 2 Q. Would that have been sometime in 3 2016? 4 A. I have no idea. I don't know. 5 Q. Are there any documents that you 6 know or that are in your possession that would 7 refresh your recollection on that? 8 A. Not that I know of. 9 Q. Do you know why she told you about 10 that? 11 MR. FANTONE: Objection, form. You 12 can answer. 13 A. I guess she was concerned about it. 14 I don't really know. 15 Q. Did you give her any advice after 16 she told you that she had filed these complaints 17 at Northwestern University? 18 A. No. 19 Q. Did Melissa Cohenson tell you that 20 she had contacted Northwestern University to 21 complain about Bernard Black and his wife 22 Katherine Black? 23 A. Did Melissa? 24 Q. Yes. 25 A. I wasn't aware of that.</p>	<p style="text-align: right;">Page 201</p> <p>1 Esaun Pinto 2 THE WITNESS: No, I think, I 3 believe I sent those documents to Pam Kerr 4 as well. 5 Q. Would that have been after the May 6 18, 2015 letter where she was stating that you 7 had been overpaid by \$41,000? 8 A. I don't know if it was before or 9 after. 10 MR. FANTONE: I object to your 11 reservation to ask more questions since 12 every single one of those emails Bernard 13 Black is a party to who is your client in 14 one of these actions. 15 MR. SCHAALMAN: Okay, I don't know 16 what the basis of that is, but that's fine, 17 you can object. 18 MR. FANTONE: Meaning you already 19 had them. 20 MR. SCHAALMAN: Maybe. 21 MR. FANTONE: They're in the 22 possession of you or your client. 23 MR. SCHAALMAN: Perhaps. Since I 24 haven't had a chance to go through them, I 25 can't respond, Mr. Fantone, you may be</p>

<p style="text-align: right;">Page 202</p> <p>1 Esaun Pinto 2 right, you may not be right. 3 Thank you, Mr. Pinto, I appreciate 4 your time.</p> <p>5 EXAMINATION BY</p> <p>6 MR. KATZ:</p> <p>7 Q. Mr. Pinto, my name is Harris Katz. 8 We met a little earlier today. My firm 9 represents Ira Salzman in connection with this 10 case. I just have a few brief questions.</p> <p>11 The plaintiffs in this case are 12 alleging that you were convicted at some point 13 or pled guilty to a felony, and that you 14 testified falsely in the New York guardianship 15 proceeding about that. Have you ever been --</p> <p>16 MR. KATZ: Strike that.</p> <p>17 Q. Have you ever pled guilty to a 18 felony?</p> <p>19 A. No.</p> <p>20 Q. Have you ever been convicted of a 21 felony?</p> <p>22 A. No.</p> <p>23 Q. I'm just going to have the court 24 reporter mark this document.)</p> <p>25 (6/26/09 Presentence Report for</p>	<p style="text-align: right;">Page 204</p> <p>1 Esaun Pinto 2 Q. And when you testified in that 3 proceeding about that, did you testify 4 completely truthfully and accurately about your 5 criminal record?</p> <p>6 A. Yes, I believe I even produced a 7 document.</p> <p>8 Q. So any allegation in this case that 9 the plaintiffs are making that you either pled 10 guilty to a felony or were convicted of a felony 11 and testified falsely in the New York 12 guardianship proceeding would be inaccurate, 13 correct?</p> <p>14 A. Absolutely.</p> <p>15 Q. So I think much earlier in your 16 testimony today you had indicated that when you 17 first went out to Colorado that someone had 18 instructed you to do some video surveillance?</p> <p>19 A. Sure.</p> <p>20 Q. Who had instructed you to do that?</p> <p>21 A. I believe it was a conversation 22 between Cherie and I.</p> <p>23 Q. And did you undertake video 24 surveillance of her?</p> <p>25 A. Sure.</p>
<p style="text-align: right;">Page 203</p> <p>1 Esaun Pinto 2 Esaun G. Pinto, Sr. was hereby marked as 3 Pinto Exhibit 35 for identification, as of 4 this date.)</p> <p>5 Q. Mr. Pinto, I'm showing you what has 6 been marked today for identification as Pinto 7 35. Do you recognize this document?</p> <p>8 A. Yes.</p> <p>9 Q. What is this document?</p> <p>10 A. This is the judgment on my federal 11 case.</p> <p>12 Q. In that matter, had you pled guilty 13 to a misdemeanor?</p> <p>14 A. Yes.</p> <p>15 Q. That was for unlawful conveyance of 16 government records?</p> <p>17 A. Yes.</p> <p>18 Q. During your testimony in the New 19 York guardianship proceeding, did you testify 20 about your criminal record?</p> <p>21 A. Yes.</p> <p>22 Q. Did you testify that had you pled 23 guilty to the misdemeanor that's reflected in 24 Pinto 35?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 205</p> <p>1 Esaun Pinto 2 Q. You mentioned the name earlier 3 Adrian Lawrence, is that someone that you work 4 with?</p> <p>5 A. Yes.</p> <p>6 Q. And you worked with him in 7 Colorado?</p> <p>8 A. No.</p> <p>9 Q. Okay. Was he involved in working 10 with you when you brought Joanne back to New 11 York?</p> <p>12 A. Yes.</p> <p>13 Q. You testified a little earlier 14 about Bernard Black being escorted out of the 15 hospital when he came to visit Joanne. Why was 16 Bernard Black escorted out of the hospital at 17 that time?</p> <p>18 A. Because the meeting was going so 19 bad that Joanne wanted to stop. Joanne wanted 20 him to leave. She informed the social worker 21 and the, well, first the guard outside the door 22 who informed the social worker and Dr. 23 Choudhury, and they asked him to leave. 24 And Bernard was still going at 25 Joanne, meaning still talking down to her and</p>

<p style="text-align: right;">Page 206</p> <p>1 Esaun Pinto 2 being nasty to her. And basically security came 3 into the room and had Bernard pick up his things 4 and they escorted him out. 5 Q. So before he was even escorted out, 6 the social worker and others had come by the 7 hospital room and asked him to leave; is that 8 correct? 9 A. Yes. So at the beginning of the 10 meeting, the social worker, I don't know if it 11 was the social worker and Dr. Choudhury, the 12 social worker came into the room and laid the 13 groundwork on how the meeting should go, and 14 then left us alone for a little while. 15 And when things got out of control 16 and Joanne wanted to stop, she notified 17 security. Security got the social worker and 18 the doctor, and then Bernard was asked to leave. 19 Bernard continued as he 20 transitioned from the meeting room through the 21 hospital. Eventually they had to remove Joanne 22 to get her out of earshot of her brother. 23 Q. So even one of the doctors came to 24 the hospital room and asked Bernard Black to 25 leave?</p>	<p style="text-align: right;">Page 208</p> <p>1 Esaun Pinto 2 Q. What did she tell you about that? 3 A. She said that she was in Illinois 4 the previous December, and she talked about 5 being cold and being on the street and wanting 6 to leave there and not being able to catch a 7 bus. And then she reached out to her brother, 8 and her brother wouldn't respond to her. 9 Q. You mentioned the name a little 10 earlier Melissa Schwartz. Who do you understand 11 her to be? 12 A. Joanne's conservator, the first 13 one. 14 Q. In Colorado? 15 A. Sure. 16 Q. Was that before Bernard Black was 17 Joanne's conservator in Colorado, if you know? 18 A. I believe that's after. 19 Q. Melissa Schwartz was after? 20 A. Yeah. 21 MR. KATZ: Okay, thank you, I have 22 nothing further. 23 EXAMINATION BY 24 MS. HOSKINSON: 25 Q. Good afternoon, Mr. Pinto. I'm</p>
<p style="text-align: right;">Page 207</p> <p>1 Esaun Pinto 2 A. Sure. 3 Q. And Bernard Black refused to follow 4 his instructions? 5 A. The security was escorting him. He 6 was moving very slowly, and he continued to 7 attempt to talk to Joanne. 8 Q. What kind of comments, to the 9 extent you recall, was he making as he was 10 slowly walking away? 11 A. He was speaking of things like her 12 housing and her inability to live on her own, 13 not needing the stuff and reminding her of the 14 past, past hospitalizations, past delusions. 15 Q. That was upsetting her? 16 A. Oh, yeah. 17 Q. You had mentioned at some point 18 Joanne had told you that Bernard refused to help 19 her when she was in Illinois. 20 A. Yeah. 21 Q. When was that, when did she tell 22 you? 23 A. She told me that when I initially 24 got to Colorado. We talked about that right 25 away.</p>	<p style="text-align: right;">Page 209</p> <p>1 Esaun Pinto 2 Tracy Hoskinson, and I represent Melissa 3 Cohenson and Brian A. Raphan, P.C. I just have 4 a couple of questions for you. 5 A. Sure. 6 Q. Do you know someone by the name of 7 Sarah Black? 8 A. I heard the name, I don't know her. 9 Q. Do you know her to be Bernard 10 Black's daughter? 11 A. That's what I was told. 12 Q. Have you ever met her? 13 A. No. 14 Q. To your knowledge, had Joanne ever 15 met her while you knew Joanne? 16 A. In the 20 years that I've known 17 Joanne? 18 Q. Yes. 19 A. I don't know. Her name came up 20 over the years, but I can't really remember in 21 what capacity. 22 Q. Did Joanne ever tell you that she 23 had seen Sarah? 24 A. Not that I can recall. 25 MS. HOSKINSON: I don't have</p>

<p style="text-align: right;">Page 210</p> <p>1 Esaun Pinto 2 anything further. Thank you. 3 MR. MANCILLA: Tony, are you on the 4 line? 5 MR. DAIN: I am. I don't have any 6 questions. 7 MR. MANCILLA: Okay. I guess I'll 8 finish. 9 EXAMINATION BY 10 MR. MANCILLA: 11 Q. Mr. Pinto, I've got a few 12 questions. This will go pretty fast. Do you 13 have Exhibit 30? You testified earlier that 14 this is, do you have it in hand? 15 A. Yeah, I got it. 16 Q. That this is an email 17 correspondence between you and Bernard Black, 18 and specifically referring to the email at the 19 bottom of the page, the first page. 20 A. Yes. 21 Q. This is an email that you sent; is 22 that right? 23 A. Yes. 24 Q. On April 9, 2013? 25 A. Yes.</p>	<p style="text-align: right;">Page 212</p> <p>1 Esaun Pinto 2 Q. Was he aware that you were going to 3 try to help Joanne and bring her back to the 4 East Coast? 5 A. Yes. 6 MR. SCHAALMAN: Object to the form. 7 Q. How do you know he was aware of 8 that? 9 A. Because we communicated through the 10 email. 11 Q. Do you recall telling him that you 12 were bringing her back to the East Coast? 13 MR. SCHAALMAN: Object to the form. 14 A. I don't think that happened 15 initially. But eventually, yeah. 16 Q. Prior to bringing Joanne back to 17 the East Coast, did you have any conversations 18 with Cherie Wrigley or Bernard Black regarding 19 the plans to bring her back to the East Coast? 20 A. Yes. 21 Q. Did you have, specifically did you 22 have that conversation with Bernard Black? 23 A. I believe so. 24 Q. As far as you're concerned, who was 25 it that instructed you to bring Joanne Black</p>
<p style="text-align: right;">Page 211</p> <p>1 Esaun Pinto 2 Q. Was this before you went to Denver? 3 A. Yes. 4 Q. And was this, this is an email you 5 wrote, I would like to travel to Denver this 6 weekend and attempt to get Joanne help. 7 A. Yes. 8 Q. Why would you send him an email? 9 A. Cherie asked me to. 10 Q. It was important because Mr. Black 11 was in charge of her finances? 12 MR. SCHAALMAN: Object to the form. 13 Q. Why was it important that you 14 advise Mr. Black of what you were doing? 15 A. As far as I knew at the time, there 16 was just one. They were looking after, they 17 were concerned with Joanne, and she just wanted 18 to make Bernard aware of what was going on. 19 Q. As far as you're concerned, he was 20 aware that you were involved? 21 A. Sure. 22 Q. And he was aware that you were 23 going to go to Denver? 24 A. Sure. 25 MR. SCHAALMAN: Object to the form.</p>	<p style="text-align: right;">Page 213</p> <p>1 Esaun Pinto 2 back to the East Coast from Colorado? 3 A. It was a decision that was made 4 amongst the three of us. It was communicated -- 5 Q. The three of us meaning? 6 A. Cherie, Bernard and myself. 7 Q. Can you tell me when that decision 8 was made to bring Joanne back? 9 A. After a couple of days of being in 10 Colorado. 11 Q. Who made that decision? I guess 12 the question is better phrased, who came up with 13 the idea to bring her back? 14 A. Oh, I don't know. It was probably 15 me. 16 Q. I'd like to hand the witness the 17 exhibit that's been marked, what we can mark as 18 36. 19 (Email chain was hereby marked as 20 Pinto Exhibit 36 for identification, as of 21 this date.) 22 Q. Do you recognize -- 23 MR. SCHAALMAN: Just hold on. You 24 told me Page 6. Is that more than one 25 page?</p>

<p style="text-align: right;">Page 214</p> <p>1 Esaun Pinto 2 MR. MANCILLA: It's one email, six, 3 seven, eight and nine, it's all one email. 4 MR. SCHAALMAN: Thank you. 5 MR. FANTONE: Tony, are you there? 6 Tony, are you there? 7 MR. DAIN: Yes, sorry, I got 8 disconnected. 9 MR. FANTONE: Tony, we're referring 10 to Control Number 6 on the Pinto EDNY 11 production from Mr. Pinto. 12 MR. DAIN: Okay, thank you. 13 Q. Do you recognize this chain of 14 emails, Mr. Pinto? 15 A. I think so. 16 Q. On the page labeled at the bottom 17 Pinto EDNY 0007 -- 18 A. Yes. 19 Q. -- there's an email here from 20 Cherie Wrigley to Bernard Black; is that right? 21 A. Yes. 22 Q. Is this an email you received from 23 Cherie Wrigley with you cc'd? 24 A. Yes. 25 Q. I'd like to turn to, I'd like to</p>	<p style="text-align: right;">Page 216</p> <p>1 Esaun Pinto 2 A. Yes. 3 Q. In that email Bernard writes, Also 4 Cherie said you were still holding a hotel for 5 Joanne in Denver - what hotel? That will be 6 useful for me, actually, to extend the 7 guardianship which I need to do soon. Do you 8 see that? 9 A. I do. 10 Q. Do you know why it was useful for 11 him? 12 A. Sure. 13 Q. Can you explain why? 14 A. Bernard needed to, Bernard wanted 15 to keep that hotel bill going in Colorado so 16 that he could act as if Joanne was still there. 17 Q. Was that hotel bill necessary? 18 A. No. 19 Q. Why did he need to pretend that 20 Joanne was still there? 21 A. He puts it right there, to extend 22 his guardianship. 23 Q. Is it fair to say there was a 24 jurisdictional issue? 25 A. Sure, that's what I assumed.</p>
<p style="text-align: right;">Page 215</p> <p>1 Esaun Pinto 2 show the witness what's marked, what was 3 produced as Pinto EDNY 000010. 4 MR. FANTONE: You want that marked 5 as Pinto 37? 6 MR. MANCILLA: Yes. 7 (Pinto EDNY 000010 was hereby 8 marked as Pinto Exhibit 37 for 9 identification, as of this date.) 10 Q. Mr. Pinto, do you recognize what 11 this document is? 12 A. Yes. 13 Q. What is it? 14 A. Excuse me? 15 MR. FANTONE: What is it? 16 Q. Is this an email chain again? 17 A. Yes. 18 Q. Between who? 19 A. Myself and Bernard. 20 Q. Is Cherie cc'd on it? 21 A. Yes. 22 Q. There's an email from Bernard 23 halfway down the page, you can see there's an 24 email from Bernard to you cc'g Cherie dated May 25 7, 2013, do you see that?</p>	<p style="text-align: right;">Page 217</p> <p>1 Esaun Pinto 2 Q. At that time though, Joanne was no 3 longer at that hotel? 4 A. No, Joanne was in New York. 5 Q. Who was paying for the hotel at 6 that point, if you recall? 7 A. I mean, I was paying for it, but I 8 don't know if I was invoicing for it or not, but 9 I was paying for it. 10 Q. Were you paying in cash or were you 11 paying by charge card? 12 A. No, I think I was giving them my 13 debit card. 14 Q. Which credit card? 15 A. I think it was my Citibank credit 16 card, not Joanne's, mine. 17 Q. Your personal Citibank card? 18 A. My personal Citibank card. 19 Q. And so you would seek reimbursement 20 at some point for those? 21 A. Yeah, if I remembered to. I don't 22 know if I added that to the invoices. 23 Q. Is it your position that there were 24 some expenses that you incurred personally that 25 you did not get reimbursement for?</p>

<p>1 Esaun Pinto 2 A. There were a ton. 3 MR. SCHAALMAN: Excuse me, object 4 to the form. Thank you, Mr. Pinto. 5 A. Should I answer? 6 MR. SCHAALMAN: Yes, it's a form 7 objection. I don't like the way he's 8 asking the question. He's your lawyer, and 9 unless he tells you not to answer, go 10 ahead. 11 A. There were a ton of expenses. 12 Q. Were there a ton of expenses -- so 13 let's focus specifically on the period when you 14 were, I guess, enrolled to find Joanne and then 15 to bring her back to New York. 16 That period alone, were there 17 expenses that you incurred personally for which 18 you never were reimbursed? 19 MR. SCHAALMAN: Object to the form 20 of the question. 21 A. Are we talking from the date of the 22 trip to Colorado to like when she's 23 hospitalized? 24 Q. Yes. 25 A. Yes.</p>	<p>Page 218</p> <p>1 Esaun Pinto 2 A. You do not get a receipt for cash 3 payments like that. 4 Q. When she was hospitalized, were 5 there still some outstanding expenses that you 6 had to pay in that manner? 7 A. I mean, some things came back to 8 haunt us later on. The area where Joanne stayed 9 in Jersey City, I frequent that area. That area 10 I use for a number of different things and 11 different cases. So there were things that I 12 didn't address, matters I didn't address prior 13 to Joanne getting hospitalized that I later had 14 to address. 15 Q. Did you use any, any of the cash 16 that you used, were they sourced from the Chase 17 Bank account that Joanne had? 18 A. Sure, at times, yeah. 19 MR. MANCILLA: I'm handing the 20 witness what we produced as Pinto EDNY 26. 21 What I'd like to be marked as Exhibit 38. 22 (Pinto EDNY 26 was hereby marked as 23 Pinto Exhibit 38 for identification, as of 24 this date.) 25 Q. Mr. Pinto, is this another chain of</p>
<p>1 Esaun Pinto 2 Q. Do you recall what expenses those 3 may have been? 4 A. Joanne caused a lot of damage 5 during that period. She set her hotel room on 6 fire, she set her mattress on fire, damaging 7 vehicles, there were a lot of things, jewelry, 8 display cases in jewelry stores. She did a lot 9 of things. 10 Q. How would those things be handled? 11 A. I just paid for it. 12 Q. Would you always use your Citibank, 13 personal Citibank card? 14 A. No. 15 MR. SCHAALMAN: Object to the form. 16 A. No, most of those were cash 17 payments. 18 Q. Can you explain? 19 A. So, if Joanne did something that 20 she wasn't supposed to do and I wanted to make 21 it go away or deal with it and just move on, 22 then I would work it out with whoever's property 23 she damaged and pay for it and move on. 24 Q. Did you get a receipt for all the 25 payments?</p>	<p>Page 219</p> <p>1 Esaun Pinto 2 emails between you and Mr. Black? 3 A. Yes. 4 Q. There's an email on the next page, 5 it's 27, the following page. From Cherie 6 Wrigley to Bernard Black and Mr. Pinto and 7 Anthony Dain are cc'd; is that right? 8 A. Yes. 9 Q. Ms. Wrigley writes, Bernie, I 10 understand your concern and frustrations. Esaun 11 and his team have worked miracles with Joanne. 12 These costs are not meant to be ongoing. Give 13 it a little more time. Your mom is not around 14 anymore to handle Joanne on an 15 hourly/daily/weekly basis. 16 Hopefully they will convince her to 17 take her medicine and become more 18 self-sufficient. The services Esaun and his 19 team are providing are far more than 20 baby-sitting, really, what an insult! 21 Can you explain why she said your 22 mom is not around anymore to handle Joanne on an 23 hourly, daily and weekly basis? 24 A. Because that's all Joanne had here, 25 other than myself. For the first 10, 12 years</p>

<p style="text-align: right;">Page 222</p> <p>1 Esaun Pinto 2 of my relationship with Joanne, it was myself 3 and Joanne's mom. You know, so when things were 4 bad, I guess Joanne's mom was the immediate 5 contact person who dealt with those things. 6 But, like I said before, I provided 7 an ear, a shoulder and support for Joanne, and 8 yeah, that whole baby-sitting thing struck a 9 nerve with me. It's far more than baby-sitting. 10 Q. You said it's far more than 11 baby-sitting, is that because there was a point 12 in time when Mr. Black characterized your work 13 as baby-sitting? 14 A. This was all about finance for Mr. 15 Bernard Black. He wasn't in touch with what it 16 even took to take care of Joanne, what that even 17 looked like. He had not a clue. 18 Q. I see the email below that is from 19 Bernard Black to Cherie Wrigley which states, We 20 can have visits by fancier people, but the 21 baby-sitting costs need come back. 22 A. I don't even know what we can have 23 visits by fancier people, I don't even know what 24 that's supposed to mean. 25 Q. Did you interpret that to mean you</p>	<p style="text-align: right;">Page 224</p> <p>1 Esaun Pinto 2 Q. Was your intention on putting this 3 in writing, Please keep in mind that I haven't 4 invoiced, I don't want to put words in your 5 mouth, but were you intending to remind him that 6 there will be a point in time that I will bill 7 for my time? 8 A. Absolutely. 9 MR. SCHAALMAN: Object to the form 10 of the question. 11 A. Absolutely, but also letting him 12 know I'm trying to work with him. I understand 13 the bills are big, I understand this is a great 14 cost, but this was extremely difficult too. 15 Q. You testified earlier that you were 16 having trouble getting paid by him on time, 17 right? 18 A. Yes. 19 MR. SCHAALMAN: Object to the form. 20 Q. And that put you in a difficult, 21 not being paid on a timely basis from Bernard 22 put you in a difficult position with your 23 employees, the other people you were working 24 with? 25 MR. SCHAALMAN: Object to the form.</p>
<p style="text-align: right;">Page 223</p> <p>1 Esaun Pinto 2 were baby-sitting Joanne? 3 A. I take all of this as complete 4 disrespect. 5 Q. On Page 26, there's an email from 6 you to Bernard Black in which you state, Please 7 keep in mind that I haven't invoiced for any of 8 the hours that I personally spent with Joanne 9 and will continue to do so. The only other 10 expense will be for her hotel cost and food, et 11 cetera. 12 I think you testified earlier that 13 you weren't invoicing for some time, why is 14 that? 15 A. I didn't invoice for my time 16 because the bills were already large, and I was 17 already having a hard time getting the invoices 18 covered for just my guys. 19 So by no means did I intend to work 20 for free, but at the time we just wanted to get 21 the billing under control, and I wanted Bernard 22 to pay on time or pay regularly so I could at 23 least cover the expenses of the guys that I had 24 working and figured we would deal with my 25 numbers later.</p>	<p style="text-align: right;">Page 225</p> <p>1 Esaun Pinto 2 MR. FANTONE: What's the basis? 3 MR. SCHAALMAN: Leading by the 4 nose. This is his client. 5 MR. FANTONE: This is not 6 cross-examination. 7 MR. SCHAALMAN: Hardly, this is 8 your client. You can't cross-examine your 9 own client that I'm aware of, leading. 10 MR. FANTONE: You can answer. 11 A. So my guys had to be paid 12 regardless of whether Bernard paid my invoice or 13 not, they had to be paid, things had to be taken 14 care of. Joanne had expenses. I mean, life had 15 to go on whether he paid my bill on time or not. 16 The numbers were getting bigger and bigger, and 17 I couldn't afford it. 18 Q. Did you have to come out-of-pocket 19 to -- 20 A. Sure. 21 Q. Let me finish the question. Did 22 you have to come out-of-pocket to pay the people 23 who were working for you to take care of Joanne 24 in this time period? 25 A. Yes, there were times, yeah.</p>

<p style="text-align: right;">Page 226</p> <p>1 Esaun Pinto 2 Q. Were there any hours that you had 3 to pay people for that you never got paid for? 4 A. Sure. 5 Q. Can you give us an estimate as to 6 how many? 7 A. No, I mean, I don't know, I don't 8 remember. But, sure, I mean, like I said, when 9 I parked the vehicle, the security guard outside 10 of Joanne's room, when we were trying to 11 convince the numbers, I paid the guy out of my 12 pocket. 13 You know, not just him. You know, 14 I had backup plans for if she got past him, 15 there was a Dunkin' Donuts across the street. I 16 gave that guy a couple of dollars every night 17 just to make sure if she came in there I would 18 get a call. 19 Q. Did you pay these people with a 20 credit card? 21 MR. SCHAALMAN: Object to the form. 22 A. Cash. 23 Q. How did you pay them? 24 A. Cash. 25 Q. Did you get receipts?</p>	<p style="text-align: right;">Page 228</p> <p>1 Esaun Pinto 2 see that? 3 A. Yes. 4 Q. Did you ever provide that? 5 A. I think I did. 6 Q. You see the email above there, 7 above that it says from you to Bernard Black? 8 A. Right. 9 Q. And you responded okay? 10 A. Yeah. 11 MR. MANCILLA: I show the witness 12 what's identified, labeled as Pinto EDNY 13 45. I'll mark this as 40. 14 (Pinto EDNY 45-50 was hereby marked 15 as Pinto Exhibit 40 for identification, as 16 of this date.) 17 Q. Mr. Pinto, this is again another 18 email chain between you and Bernard Black, 19 right? 20 A. Yes. 21 Q. Cherie Wrigley is included on some 22 of these. On that first page which is an email 23 from Bernard Black to Cherie Wrigley, sorry, to 24 you cc'g Cherie Wrigley, Bernard writes, Going 25 forward for however long the current plan lasts,</p>
<p style="text-align: right;">Page 227</p> <p>1 Esaun Pinto 2 A. These guys don't give receipts. 3 MR. MANCILLA: I'm handing you 4 what's marked Pinto EDNY 36 for 5 identification but I want to mark it as 6 identification as 39. 7 MR. SCHAALMAN: 39. 8 MR. FANTONE: Thank you. 9 (Pinto EDNY 36-40 was hereby marked 10 as Pinto Exhibit 39 for identification, as 11 of this date.) 12 Q. Mr. Pinto, this is another email 13 chain between you and Bernard Black; is that 14 right? 15 A. Yes. 16 Q. On Page 36 in the middle of the 17 page, is that an email from Bernard to Cherie 18 and you? 19 A. Yes. 20 Q. And Bernard says, What would help 21 me is a single spreadsheet with all expenses and 22 all payments ideally in separate columns, 23 payment, withdrawal, net balance after each 24 payment or withdrawal, rows that can be 25 organized by date. Thank you, Bernie. Do you</p>	<p style="text-align: right;">Page 229</p> <p>1 Esaun Pinto 2 we still need to agree on a daily run rate for 3 undocumented Joanne related expenses. What do 4 you propose, \$500 a week? 5 A. Correct. 6 Q. What is a run rate? 7 A. That's the daily rate or the weekly 8 rate. The rate of the expenses -- 9 Q. Sorry, daily or weekly? 10 A. Yeah, this here he's saying weekly. 11 What he's talking about are expenses that would 12 just come up that we couldn't prepare for. 13 Q. Okay. And these are expenses that 14 were paid for how? 15 A. Cash. 16 Q. Where was the cash? 17 A. From the Chase account. 18 Q. So this was not part of your fee? 19 A. No, but it ended up being deducted 20 from my invoices anyway. 21 Q. Can you clarify? 22 A. So there were certain expenses 23 that, there were certain expenses that were 24 addressed immediately, and then there were other 25 expenses like the burning of mattresses and</p>

1 Esaun Pinto 2 damaging of cars that weren't. 3 So what I tried my best to do was 4 just to incorporate as much of those expenses as 5 I could against the invoices because there was 6 so much trouble in getting the invoices covered, 7 and I knew Bernard was monitoring the account 8 anyway. So sometimes I had to come out of 9 pocket to cover those expenses and sometimes I 10 didn't. 11 Q. Which account are you saying 12 Bernard monitored? 13 A. The Chase account. 14 Q. He had access to the Chase account? 15 A. Absolutely. There were months if I 16 put that this month we had \$2,000 worth of 17 expenses and it was 2,500, he would check me on 18 it, and he would just deduct the extra from the 19 neck month's invoice. 20 Q. So we would expect to see about 21 \$500 a week withdrawn from the Chase account? 22 MR. SCHAALMAN: Object to the form. 23 A. Somewhere around there. 24 Q. Would you turn to Page 49. 25 Actually --	Page 230 1 Esaun Pinto 2 he changed the spreadsheets that I sent him. I 3 don't really remember. 4 Q. If we had a copy of the 5 spreadsheet, would that refresh your 6 recollection? 7 A. It may. 8 MR. MANCILLA: I show the witness 9 what's marked, what was produced as Pinto 10 EDNY 92. I'll mark that as Exhibit 42. 11 MR. FANTONE: 41. 12 MR. MANCILLA: 41, sorry. 13 (Services List was hereby marked as 14 Pinto Exhibit 41 for identification, as of 15 this date.) 16 A. Okay. 17 Q. Mr. Pinto, does that document 18 refresh your recollection as to whether or not 19 the service list is a document, a spreadsheet 20 that was created by you? 21 A. I think this was created by my 22 office. 23 Q. What gives you that impression? 24 A. Well, my CPI Investigations is at 25 the top of it and my phone number. I'm assuming
1 Esaun Pinto 2 MR. KATZ: It's part of it. 3 Q. It's part of an email on Page 47, 4 sorry. 5 A. Okay. 6 Q. Do you recognize, there's an email 7 here at the bottom from Bernard Black to Esaun 8 Pinto cc'g Cherie Wrigley, right? 9 A. Sure. 10 Q. And that's dated May 26, 2013? 11 A. Yeah. 12 Q. Do you remember receiving this? 13 A. Yeah, this looks, yeah, yes. 14 Q. And if you could just review it 15 quickly, and at the end the subject, or the 16 topic I want to ask you about is at the end 17 which is on Page 49, the end of the email. 18 A. Okay. 19 Q. Mr. Black writes, I attach a 20 revised service list XLS spreadsheet. First of 21 all, is that the document that, is that a 22 document that you prepared? 23 A. I guess I believe I did prepare a 24 spreadsheet, and then I think he, if I remember 25 right, he either prepared his own spreadsheet or	Page 231 1 Esaun Pinto 2 we did this. 3 Q. Who at your office would create 4 something like this? 5 A. This probably was created by my 6 wife. 7 Q. I'll represent to you that that 8 document is under the file name which is listed 9 at the bottom of Pinto 49, Service 10 List-2013-0602-bb.xlsx. 11 So Bernard wrote in his email, I 12 attach a revised service list spreadsheet in 13 which I added these amounts, \$2,000 plus \$12,270 14 minus \$7,500 equals \$6,770 to the amounts paid 15 to reach a revised total payment of \$84,770 16 against billings to date less Chase withdrawals 17 which you credited to us of \$79,185. Do you see 18 that? 19 A. Yes. 20 Q. And then he writes, wrote, this 21 leaves me with a positive balance through May 22 27th of \$84,770 minus \$79,185 equals \$5,585. 23 You see that? 24 A. I see that. 25 Q. What does that mean?

<p style="text-align: right;">Page 234</p> <p>1 Esaun Pinto 2 A. It means that if I'm reading this 3 right and if I remember correctly, my numbers 4 were off and he corrected it. 5 Q. How would he correct it? How would 6 he know how to correct it? 7 A. He had access to the Chase account. 8 Q. So he was reviewing all of your -- 9 A. Absolutely. 10 Q. -- withdrawals? 11 A. Yes. I mean, look, you know, 12 Bernard could have cut the card off. Bernard 13 could have prevented us from having access to 14 the card. If I was running amok and charging up 15 stuff, he would have just cut it off. 16 MR. FANTONE: Hold on a second. 17 Q. Were there any things you left off 18 the invoices because you felt like you couldn't 19 tell Bernard about them? 20 A. Yeah. 21 Q. What kind of things were those, 22 what kind of expenses were those? 23 A. Like the burning of the mattress, 24 paying the additional guys, paying for intel, 25 the damages to vehicles. All of that stuff, I</p>	<p style="text-align: right;">Page 236</p> <p>1 Esaun Pinto 2 to gain Joanne's trust? 3 A. I hadn't spoken to Joanne for two 4 years. So this is, my trip to Colorado is right 5 on the tail of Cherie's trip there, so Joanne 6 was afraid of everything. 7 So, like I said, I mean, when I 8 know that when this thing is done, it's going to 9 go back to me and Joanne for the most part and I 10 couldn't lose her trust. So when things would 11 happen, I would just take care of it, just take 12 care of it and figure I'll deal with it later. 13 A lot of those things that took 14 place during those years I forgot about it, and 15 actually, in coming here today this morning, my 16 wife reminded me about a few of them. 17 But it's just let's get through the 18 day and get to tomorrow and continue to build 19 the relationship and continue to try to get her 20 help. That's what it was all about. 21 Q. Below that sentence Bernard wrote 22 on Page 49, what is the \$500 car return penalty, 23 return to Atlanta, Georgia about? Can you 24 explain that? 25 A. Sure. We rented a or I rented a</p>
<p style="text-align: right;">Page 235</p> <p>1 Esaun Pinto 2 didn't put that stuff in the invoice. 3 Q. So his corrections at times of the 4 invoices or the service list, the service list 5 spreadsheets that he identified in this email, 6 would it actually deprive you of money that you 7 had otherwise paid out-of-pocket? 8 MR. SCHAALMAN: Objection to form. 9 A. Sure, but there was no way around 10 it because I had to look out for Joanne. I 11 mean, not only him -- 12 Q. For clarification, when you say 13 sure, do you mean yes? 14 A. Yes. 15 MR. SCHAALMAN: Object to the form. 16 A. There were things I didn't tell, I 17 didn't put on the invoice and didn't tell 18 Bernard or Cherie about or Tony for that matter. 19 Q. Why is that? 20 A. Because I was looking out for 21 Joanne, and I wanted to continue to build the 22 trust. I didn't know what that day was going to 23 look like when she gets hospitalized, so I just 24 didn't share it. 25 Q. Why would not telling them help you</p>	<p style="text-align: right;">Page 237</p> <p>1 Esaun Pinto 2 Suburban, a Chevy Suburban SUV in Colorado. 3 Joanne had so many things with her that we 4 needed a big vehicle to get the stuff back to 5 the East Coast. 6 That trip was some 30 some odd 7 hours, 35, 36, I can't remember, hours. Joanne 8 didn't exit the vehicle one time to go to the 9 bathroom, not once. 10 Besides the fact that Joanne's 11 luggage was molded all over the place to where 12 when we get all over the place, there's mold 13 growing in the trunk of the Suburban. 14 So that truck was damaged severely, 15 severely. We weren't supposed to leave the 16 state with the vehicle. I had no choice. I 17 used the vehicle. When we get back to the New 18 York City area, there wasn't, that rental car 19 company didn't exist here, and the closest place 20 to drop the car off was Atlanta. 21 Q. You just testified that she didn't 22 leave the car to go to the bathroom, what does 23 that mean? 24 A. She went to the bathroom on 25 herself.</p>

<p>1 Esaun Pinto 2 Q. In the vehicle? 3 A. In the vehicle. 4 Q. Was that car damaged because she 5 didn't leave the vehicle? 6 A. The car was destroyed. 7 Q. How was that payment made, in what 8 form? 9 A. I don't remember exactly. I know I 10 paid it somehow, either with my credit card or, 11 and then eventually invoiced Bernard for it. I 12 don't really remember. 13 Q. Were all the costs covered for 14 that? 15 A. Were they covered by me? 16 Q. No, were you eventually reimbursed 17 for all the expenses? 18 A. I know he disputed some of the 19 rental car charges. I don't remember if he paid 20 them or not, I don't remember. 21 MR. MANCILLA: I'd like to show the 22 witness what's labeled Pinto EDNY 53, and 23 I'll mark it for identification as 42. 24 (Pinto EDNY 53-54 was hereby marked 25 as Pinto Exhibit 42 for identification, as</p>	<p>Page 238</p> <p>1 Esaun Pinto 2 A. Correct. 3 Q. And he writes, he wrote at that 4 time, I'm looking at the first paragraph halfway 5 down. As you know, I was very concerned about 6 weekly cash burn. Over time we reached an 7 agreement on the burn rate of \$5,000 per week. 8 I took that to be a total, not an amount to 9 which you would later add two to 3,000 per week 10 for your own time. 11 Was he incorrect when he took that? 12 A. Oh, yes, absolutely. 13 Q. Can you explain why? 14 A. Because I only decided to not 15 invoice him at the time because I wanted to get 16 the invoices paid in a timely fashion so it 17 wouldn't be coming out of my pocket. But at no 18 time did I ever consider working for free. 19 Q. Did you ever tell him you would? 20 A. No, no, this operation took me away 21 from my office, my family, I mean, everything. 22 So, no, no. 23 Q. And this email was in response -- 24 what was this email in response to, if you 25 remember?</p>
<p>1 Esaun Pinto 2 of this date.) 3 MR. SCHAALMAN: One page? 4 MR. MANCILLA: This is two pages. 5 MR. SCHAALMAN: So 53 and 54? 6 MR. MANCILLA: Yes. 7 Q. Mr. Pinto -- 8 MR. SCHAALMAN: He seems to have a 9 different document than what you're 10 describing. 11 A. 53 and 54, and then there's a 12 spreadsheet on the back of it. 13 Q. The spreadsheet on the back of it 14 should be 94. 15 MR. MANCILLA: That is 93. 16 MR. SCHAALMAN: What? 17 MR. MANCILLA: Ninety-three. 18 MR. SCHAALMAN: So it's Page 53, 54 19 and 93? 20 MR. MANCILLA: That's correct. 21 Q. This is again an email chain 22 between you and Mr. Black, right? 23 A. Right. 24 Q. And the email on Page 53 is from 25 Bernard Black to you dated July 2, 2013, right?</p>	<p>Page 239</p> <p>1 Esaun Pinto 2 A. I don't know. I'd have to read it 3 all. 4 Q. Take a moment and read through it 5 and see if that refreshes your recollection. 6 A. Yeah, I mean, it just looks like 7 he's going over the expenses, and he's again 8 mentioning to me in this email that Joanne needs 9 to crash, be hospitalized, and that's what I was 10 trying to prevent her from crashing. 11 Q. It appears as though, and correct 12 me if I'm wrong, that he is, he found out that 13 you would be charging for your own time? 14 A. Sure. 15 Q. How did he find that out? 16 A. I communicated that to him in the 17 email prior, but I sent him a bill. 18 Q. You sent him a bill for your time, 19 your personal time? 20 A. Yeah, eventually, yeah. 21 MR. SCHAALMAN: Object to the form. 22 MR. MANCILLA: I apologize, I only 23 have one copy of this, but I would like to 24 show the witness this to refresh his recollection.</p>

<p style="text-align: right;">Page 242</p> <p>1 Esau Pinto 2 MR. SCHAALMAN: Why don't you pass 3 it around to everybody first. 4 MR. MANCILLA: This is an exhibit 5 to the people's discovery, sorry, the 6 plaintiffs' discovery request sent to Mr. 7 Pinto or CPI, I don't recall which. 8 MR. SCHAALMAN: Do you want me to 9 hand it to the witness or back to you? 10 MR. MANCILLA: You can hand it to 11 the witness. 12 MR. SCHAALMAN: Is this being 13 marked as an exhibit? 14 MR. MANCILLA: I'll mark it as 15 Exhibit 54, what is this, 43. 16 (10/5/15 Invoice was hereby marked 17 as Pinto Exhibit 43 for identification, as 18 of this date.) 19 (A recess was taken from 5:50 p.m. 20 until 5:52 p.m.) 21 MR. KATZ: All counsel have agreed 22 that since Mr. Pinto's Social Security is 23 on what we have marked today as Pinto 24 Exhibit 35, we're all in agreement we are 25 going to redact the Social Security number</p>	<p style="text-align: right;">Page 244</p> <p>1 Esau Pinto 2 MR. SCHAALMAN: You don't have a 3 copy of it, okay. 4 Q. Does that refresh your recollection 5 that that is the invoice that you sent over to 6 Bernard which prompted this email? 7 A. I'm not sure. 8 Q. Well, this email refers to being 9 frustrated that he misunderstood that you would 10 eventually bill for your time, right? 11 A. Right. 12 Q. So the bill that has been marked as 13 Exhibit 43, what does that represent, if you can 14 see it. 15 A. Oh, right, so this is provided by 16 myself. This is not my guys. 17 Q. What is that, what is Exhibit 43? 18 A. This is my bill for my time, not 19 the bill for the guys that were working for me. 20 Q. That time period was from when to 21 when? 22 A. The 29th of April to June 24th. 23 MR. SCHAALMAN: Could you state 24 that again, the dates. 25 THE WITNESS: The 29th of April --</p>
<p style="text-align: right;">Page 243</p> <p>1 Esau Pinto 2 just because we want to annex the exhibits 3 to the deposition, to the actual deposition 4 transcript. 5 I'm also going to redact or cross 6 out his date of birth since that's actually 7 on this exhibit as well. So I just wanted 8 to note on the record that I'm doing that. 9 MR. FANTONE: Okay, thanks. We 10 agree. 11 (A recess was taken from 5:54 p.m. 12 until 6:32 p.m.) 13 BY MR. MANCILLA: 14 Q. Mr. Pinto, would you take a look at 15 what's been marked as Exhibit 43. 16 A. Okay. 17 Q. That's what we were discussing 18 before we broke, and we were discussing that in 19 relation to an email that was between you and 20 Bernard which is exhibit, marked as Exhibit 42. 21 A. Forty-two, got it. 22 MR. SCHAALMAN: So which page has 23 been marked as 43 now? 24 MR. MANCILLA: Forty-three is the 25 invoice.</p>	<p style="text-align: right;">Page 245</p> <p>1 Esau Pinto 2 MR. SCHAALMAN: Thank you. 3 THE WITNESS: -- to June 24th. 4 Q. So turning back to Exhibit 42, that 5 email from Bernard to you. 6 A. Right. 7 Q. He states in the third paragraph 8 down, I will pay your latest bill from June 3rd 9 forward adjusted for any under or overpayment 10 prior to that. 11 Is he referring to paying the bill 12 which has been marked as Exhibit 34 -- 43? 13 MR. SCHAALMAN: Object to the form. 14 A. I'm not quite sure. I don't really 15 know. 16 Q. Okay. Further down he states, My 17 records show payment of \$94,900 and billing of 18 \$90,776 for net overpayment of 4,214, do you see 19 that? 20 A. I see that. 21 Q. This is for bills through June 22 24th. 23 A. Correct. 24 Q. And then he writes, If my records 25 are not correct, please advise me.</p>

<p style="text-align: right;">Page 246</p> <p>1 Esaun Pinto 2 A. Right. 3 Q. Then you testified earlier, I 4 believe, that there were certain things that you 5 did not tell Bernard about. 6 A. Correct. 7 MR. SCHAALMAN: Object to the form. 8 Q. Do you recall whether you responded 9 to this email and adjusted his records? 10 MR. SCHAALMAN: Object to the form. 11 A. I didn't adjust his records in 12 regards to the things that I didn't tell Cherie 13 or Tony or Bernard about, no. 14 Q. When he says further down in that 15 email, Otherwise, I consider the period from 16 inception through June 24th to be closed. What 17 do you understand that to mean? 18 A. I don't really remember. I mean, I 19 don't know if at this point I received the 20 payment for my time, I don't know. I don't know 21 if I received it yet. 22 MR. MANCILLA: Let's go to what's 23 been produced as Pinto EDNY 55, and I'll 24 mark this as Exhibit 44. 25 (Pinto EDNY 55-58 was hereby marked</p>	<p style="text-align: right;">Page 248</p> <p>1 Esaun Pinto 2 of this date.) 3 Q. Mr. Pinto, can you turn to Page 66? 4 A. Fifty-six or 66? 5 Q. Sixty-six, it's the second page. 6 It looks like this is an email from you to Mr. 7 Black dated July 9, 2013; is that right? 8 A. Yes. 9 Q. And in the fifth paragraph down you 10 write, I would like to possibly come up with a 11 more livable rate moving forward and also would 12 like to be paid at least two weeks in advance to 13 eliminate any confusion. Do you see that? 14 A. Yes, yes. 15 Q. Can you just explain why you 16 needed, why you used the word livable rate? 17 A. Because again, he wanted the 18 numbers to come down. 19 Q. At that time, what was your rate, 20 if you remember? 21 A. I don't remember if it was eight or 22 10,000 a month, I don't remember. 23 Q. Was your rate per month or per 24 week? 25 A. I can't even remember.</p>
<p style="text-align: right;">Page 247</p> <p>1 Esaun Pinto 2 as Pinto Exhibit 44 for identification, as 3 of this date.) 4 Q. Mr. Pinto -- 5 MR. SCHAALMAN: Wait just a second, 6 please. 7 MR. MANCILLA: Michael, are you 8 ready? 9 MR. SCHAALMAN: I'm good now, 10 thanks. 11 Q. Mr. Pinto, is this an email between 12 you and Mr. Bernard Black? 13 A. The first one looks like Bernard to 14 Cherie that I'm cc'd, yes. 15 Q. This is a chain of emails, right? 16 A. Yes. 17 MR. MANCILLA: I'd like to show the 18 witness what was produced as Pinto EDNY 65. 19 MR. SCHAALMAN: Sixty-five? 20 MR. MANCILLA: Yes. 21 MR. SCHAALMAN: Through what? 22 MR. MANCILLA: Through 67. And 23 this is marked as Exhibit 45. 24 (Pinto EDNY 65-67 was hereby marked 25 as Pinto Exhibit 45 for identification, as</p>	<p style="text-align: right;">Page 249</p> <p>1 Esaun Pinto 2 Q. Okay. You also note in here, I 3 would also like to be paid at least two weeks in 4 advance to eliminate any confusion. 5 I believe you testified about this 6 earlier, but can you explain why you wrote that? 7 A. Sure. I got tired of the back and 8 forth, and if we were going to go through a 9 period of a flat rate, I just wanted to be ahead 10 of things because my expenses were unpredictable 11 at times. 12 Q. Right, you talk about a rate, does 13 that mean that you spent the same number of 14 hours every week working to help Joanne? 15 A. No. 16 Q. Can you explain that? 17 A. I mean, it all depends, sometimes, 18 you know, I visit Joanne three days this week, 19 it could be five days next week, it could be off 20 hours. It could be her waving at me from the 21 window. It could be an hour on the telephone, I 22 mean, it all depends. 23 It all depends on what Joanne 24 needed at the time. So every week was 25 different, it all depends. That includes the</p>

<p style="text-align: right;">Page 250</p> <p>1 Esaun Pinto 2 shopping as well. Sometimes she wanted ice 3 cream, sometimes she wanted blue jeans. I never 4 knew exactly what Joanne was going to need or 5 want out of me until the day came. 6 Q. About when would you get the 7 first -- would she call you? 8 A. The first thing in the morning. 9 Q. And you said, you testified earlier 10 she woke up around three or four a.m. 11 A. Not when she was hospitalized. She 12 was hospitalized, I can't remember the first 13 hour in which they were allowed to call, but it 14 was relatively early. 15 Q. So at this time, which is around 16 July 2013, she would call you first thing in the 17 morning? 18 MR. SCHAALMAN: Object to the form. 19 A. She would, yes. She would call me 20 the first opportunity she had to use the phone. 21 And she would call me at least one more time 22 which would be the last time during the day that 23 she was able to use the phone. 24 Q. About how many times a day, if you 25 recall, was she able to use the phone?</p>	<p style="text-align: right;">Page 252</p> <p>1 Esaun Pinto 2 hospitals, right? 3 A. Sure. 4 Q. Every time you went to the 5 hospital, did you visit her or were there other 6 things that you did? 7 A. It depends. I would visit her, 8 sometimes I had a meeting with staff members, 9 doctors, social workers, attorneys. 10 Q. When you went to the hospital, was 11 there any record that was created of your 12 visits? 13 A. I was at the hospital so often, to 14 answer your question, yes. However, I was there 15 so often that I didn't have to sign in. I 16 didn't have to, these guys that work security at 17 the hospital, you know, we had conversations 18 about them moonlighting with me. These guys 19 wanted to be employed by me. 20 So, no, at South Beach oftentimes I 21 met with the doctors or the social workers prior 22 to meeting Joanne. So they would meet me 23 outside. We'd talk, and then I would get 24 escorted in. Those moments I went through the 25 employee entrance, I didn't go through the</p>
<p style="text-align: right;">Page 251</p> <p>1 Esaun Pinto 2 A. Oh, she was able to use the phone 3 almost all day when she was at South Beach, so 4 much so that we had a phone budget. She had 5 like an allowance, but she would call me and we 6 actually joked, and I told her I need to cut her 7 allowance because the calls would just not stop 8 on certain days. 9 Q. Who would she speak to when she 10 called? 11 A. She would speak to me. 12 Q. Was there anyone else she would 13 speak to? 14 A. It depends on who I was with. 15 Sometimes she would speak to my kids, sometimes 16 my wife, sometimes my grandmother. If I was at 17 work, sometimes my guys. 18 Q. Did you bill for that separately or 19 was that part of the rate? 20 A. That was part of the rate. 21 Q. And that rate was consistent every 22 week? 23 A. When we went to the flat rate, 24 yeah. 25 Q. You would also go visit her at the</p>	<p style="text-align: right;">Page 253</p> <p>1 Esaun Pinto 2 business entrance. 3 Q. Every time that you went to the 4 hospital, did you always see Joanne? 5 MR. SCHAALMAN: Objection, form. 6 A. No. 7 Q. Can you explain that? 8 A. No, there were times that I had to 9 visit the hospital for meetings, and I wouldn't 10 see Joanne. 11 Q. Who would you meet with? 12 A. Doctors, counselors, social 13 workers, attorney. 14 MR. MANCILLA: Just a few more 15 here. I'd like to show the witness what 16 was produced as Pinto EDNY 81 to be marked 17 as Exhibit 46. 18 MR. FANTONE: Eighty-one to 86. 19 MR. SCHAALMAN: Thank you. 20 (Pinto EDNY 81-86 was hereby marked 21 as Pinto Exhibit 46 for identification, as 22 of this date.) 23 Q. Are these again emails between you 24 and Mr. Black? 25 A. Yes.</p>

<p style="text-align: right;">Page 254</p> <p>1 Esaun Pinto 2 Q. And at the bottom of 81 you wrote, 3 Mr. Black, I've supplied invoices and 4 considerably reduced the rate by going with a 5 flat fee. Please find some time to review the 6 invoices. I would appreciate a wire before the 7 end of the week. I have been forced to wait for 8 payments in the past and it makes things 9 difficult for me. 10 Can you just explain, if you 11 recall, why you went to a flat rate and why you 12 reduced the rate? 13 A. I just wanted to get paid on time. 14 I just wanted to stop the back and forth. I 15 just wanted to make life simpler. So I was 16 calling myself cooperating as much as I could 17 and making life easier for everybody. 18 Q. Did the amount of work relative to 19 Joanne increase or decrease during this time 20 period? 21 A. Neither. I mean, my responsibility 22 to Joanne, it hasn't changed, it still hasn't 23 changed. So it's all based on what her needs 24 are. If I have to see Joanne five times this 25 week, I'll see her five times this week.</p>	<p style="text-align: right;">Page 256</p> <p>1 Esaun Pinto 2 MR. SCHAALMAN: Objection, asked 3 and answered. 4 Q. I think that you testified that you 5 actually prevented his arrest? 6 A. Sure. 7 Q. Can you explain that? 8 A. The hospital staff wanted to call 9 the police, and I told them that I didn't think 10 that was necessary. I asked if I can talk with 11 him and walk out with him, I did that. So the 12 police didn't respond. 13 Q. May I ask why you did that? 14 A. Because I didn't want to make this 15 more traumatic for Joanne than it needed to be. 16 Q. I believe you also testified that 17 Dr. Choudhury didn't want you to provide Bernie 18 with any of Joanne's contact information; is 19 that right? 20 A. Yes. 21 Q. Why not? 22 A. Because Joanne didn't want it. 23 Q. You testified earlier that -- 24 A. And I asked Dr. Choudhury, Nelson 25 and all the other staff members, I think it was</p>
<p style="text-align: right;">Page 255</p> <p>1 Esaun Pinto 2 If I talk to Joanne, if she called 3 me ten times a day, I'm going to speak to her 4 ten times a day. So it's all dependent on what 5 her needs were. The dollar amount really had 6 very little, if anything, to do with what I 7 provided to Joanne. 8 Q. How long would you talk on the 9 phone with Joanne? 10 A. It depends, it depends on what was 11 going on. If I could tell her -- if she had an 12 issue, she called me and I could tell her 13 Joanne, I'll be there this afternoon, then I 14 could cut the conversation short. 15 If I couldn't respond immediately 16 or if I thought what she needed wasn't urgent 17 enough, then I would speak to her on the phone 18 and try to work it out on the phone. Those 19 conversations would take a long time. 20 Q. You testified earlier that there 21 was a point in time when Bernie had to be 22 removed from the hospital. Do you recall that? 23 A. When who had to be removed? 24 Q. Bernard Black. 25 A. Yes.</p>	<p style="text-align: right;">Page 257</p> <p>1 Esaun Pinto 2 Renzulli at the time. 3 MR. SCHAALMAN: R-E-N-Z-U-L-L-I. 4 A. And there was another social 5 worker, I can't remember her name at the time, 6 but I spoke to them about it, because all of 7 this did put me in a weird position, very 8 uncomfortable position. 9 So I just, I spoke to them about 10 it. They weren't interested because Joanne 11 wasn't interested in it, and that's how I moved 12 forward. 13 Q. I believe you testified earlier 14 that Cherie told you at some point, do you 15 recall Cherie telling you at some point that she 16 believed Bernard was stealing money from Joanne, 17 right? 18 A. Yeah. 19 Q. Did you communicate that to Joanne? 20 A. No. Joanne communicated that with 21 me. 22 Q. What do you mean by that? 23 A. Joanne, when I got to Colorado, 24 Joanne knew some very exact numbers. She knew 25 exactly what was in the Roth IRA down to the</p>

<p style="text-align: right;">Page 258</p> <p>1 Esaun Pinto 2 penny. She had communicated with them in 3 Vanguard and she knew a lot that I didn't know. 4 Because of her condition, I didn't know whether 5 to believe her or not. So I just kind of 6 ignored it.</p> <p>7 But Joanne spoke from the day I 8 picked her up in Colorado that she believed that 9 her brother was stealing her inheritance.</p> <p>10 Q. And that was at the time you got to 11 Colorado?</p> <p>12 A. That was when I made contact with 13 Joanne, yes, in Colorado.</p> <p>14 Q. Do you know how she knew that?</p> <p>15 A. She made phone calls. She was 16 calling around, Vanguard and all these other 17 companies trying to figure out what was going 18 on.</p> <p>19 I assumed once she was made aware 20 that her mother had passed away that she knew, 21 she knew what her mother's intentions were. 22 Joanne brought me a piece of her mother's will 23 ten years prior. I had already seen portions of 24 the will, and then some years later, about 2010, 25 she brought me a ripped page from another will.</p>	<p style="text-align: right;">Page 260</p> <p>1 Esaun Pinto 2 none of that was of any interest to me.</p> <p>3 Q. When she spoke about it, did you 4 ever inform her of things that were going on in 5 the Colorado proceedings?</p> <p>6 A. No.</p> <p>7 Q. Did you ever tell her --</p> <p>8 MR. SCHAALMAN: Leading.</p> <p>9 Q. Did you ever convey any 10 communications you had with Anthony Dain to 11 Joanne Black?</p> <p>12 MR. SCHAALMAN: Leading.</p> <p>13 A. No. Joanne, so when Joanne was 14 hospitalized, Joanne was, in my opinion, not in 15 any condition to really talk about those things, 16 but I didn't even really know.</p> <p>17 So the conversations about all of 18 that stuff, I didn't entertain until after 19 Joanne was released from the hospital, and I 20 still didn't want to talk about it then, but it 21 became a topic that Joanne wanted to talk about.</p> <p>22 Q. Did you manipulate Joanne against 23 her brother Bernard Black?</p> <p>24 MR. SCHAALMAN: Leading.</p> <p>25 A. If anything, I tried to get Joanne</p>
<p style="text-align: right;">Page 259</p> <p>1 Esaun Pinto 2 So Joanne was aware of what her 3 mother's intentions were. So I guess that she 4 was informed that her mother passed away, she 5 was trying to safeguard her assets.</p> <p>6 Q. So as far as you know, you never 7 communicated to Joanne that Cherie believed that 8 Bernard was stealing money?</p> <p>9 MR. SCHAALMAN: Asked and answered, 10 leading, form.</p> <p>11 A. No, Joanne told me on my contact 12 with her in Colorado that her brother was 13 stealing her inheritance.</p> <p>14 Q. Did you ever voice any complaints 15 that you had about Bernard Black to Joanne?</p> <p>16 A. No, I didn't even know him.</p> <p>17 Q. There did come a point in time when 18 you testified earlier that you were frustrated 19 that you weren't getting paid on time.</p> <p>20 A. Yeah, but me and Joanne didn't have 21 those kinds of conversations. Me and Joanne 22 didn't have invoice conversations.</p> <p>23 Q. Did you ever have conversations 24 with Joanne about the estate?</p> <p>25 A. She would talk about it, but again,</p>	<p style="text-align: right;">Page 261</p> <p>1 Esaun Pinto 2 to communicate more with Bernard Black. Joanne 3 had enough hatred for her brother, she didn't 4 need any help from me.</p> <p>5 Q. Mr. Pinto, did you ever conspire 6 with Anthony Dain or Cherie Wrigley to defund 7 the trust that was named Joanne Black as a 8 beneficiary?</p> <p>9 MR. SCHAALMAN: Objection, leading, 10 form.</p> <p>11 A. I just wanted to take care of 12 Joanne and get my invoices covered in a fair 13 time and be compensated for my time, that's all 14 I wanted. As far as cooperate with anybody, no, 15 no, I wasn't interested in that.</p> <p>16 Q. Did you ever assist Anthony Dain 17 with any of his goals?</p> <p>18 A. Any of his?</p> <p>19 MR. MANCILLA: Withdrawn.</p> <p>20 Q. You had, in caring for Joanne, what 21 bank accounts did you have access to?</p> <p>22 A. I had access to the Chase account 23 for a short period of time. I had access to the 24 Wells Fargo account for a short period of time, 25 and I had access to the rent payee account at</p>

<p style="text-align: right;">Page 262</p> <p>1 Esaun Pinto 2 Citibank for a short period of time that Joanne 3 and I set up. 4 Q. What was the money in those 5 accounts used for? 6 A. The money in the Chase account was 7 used for Joanne's expenses. The money in the 8 Wells Fargo account was used for Joanne's 9 expenses at times, and at other times the money 10 was withdrawn from there to safeguard against 11 Bernard as per Joanne. 12 Q. Can you explain that a little bit 13 more? 14 A. The first contact with Joanne in 15 Colorado, Joanne felt like Bernard was 16 attempting to rob her of her inheritance and he 17 didn't want her to have anything. 18 And not knowing Bernard, not 19 knowing whether to completely believe Joanne, 20 when Joanne was hospitalized at some point I get 21 the, at some point I get the Wells Fargo card, 22 and I'm instructed to withdraw the money before 23 Bernard gets a chance to steal it. 24 And at that point -- 25 Q. Before you go any further, who were</p>	<p style="text-align: right;">Page 264</p> <p>1 Esaun Pinto 2 Q. Can you estimate about how much 3 money you put in the lockbox? 4 A. I'm guessing somewhere around 5 \$8,000. 6 Q. Did you ever withdraw any money 7 from that lockbox after you put it in there? 8 A. Sure. 9 MR. SCHAALMAN: Objection, leading. 10 A. Sure. 11 Q. What did you withdraw and when? 12 A. Expenses for Joanne, I paid for 13 damages from the past, and then Joanne made 14 withdrawals later when she was released from the 15 hospital. Joanne went shopping and whatever. 16 Q. Was there any money that you 17 controlled or that you had access to that was 18 Joanne's ever used for things that were not for 19 Joanne's benefit? 20 A. No. 21 MR. SCHAALMAN: Objection to form. 22 Q. Did you ever take money from any of 23 those accounts for yourself to which you were 24 not entitled? 25 MR. SCHAALMAN: Objection to form.</p>
<p style="text-align: right;">Page 263</p> <p>1 Esaun Pinto 2 you instructed by? 3 A. Joanne. 4 Q. To withdraw what money? 5 A. The Wells Fargo money. 6 Q. What did you do with it? 7 A. It was to purchase a lock box. The 8 fund were put in the lockbox, funds that weren't 9 used by Joanne or funds that were used by me for 10 Joanne were safeguarded in a lockbox. 11 Q. You put it in a lockbox because 12 Joanne instructed you to? 13 A. Right. 14 MR. SCHAALMAN: Objection, form and 15 asked and answered. 16 Q. When did she instruct you to put 17 the money into the lockbox? 18 A. When? 19 Q. Yes. 20 A. I'm speculating, but it had to be 21 during one of the hospitalizations. I don't 22 know if I had it, I don't remember if I had it 23 when she was at Meadow View. I believe I had it 24 when she got to South Beach, I believe I got it 25 then.</p>	<p style="text-align: right;">Page 265</p> <p>1 Esaun Pinto 2 A. No. There were times where Joanne 3 would demand for me to show her that I had 4 withdrawn. So if I would go to visit Joanne 5 today, she would ask me if I went into the 6 account yesterday. Joanne would ask me, did you 7 put the money in the box, do you have the money, 8 and I would go in my pocket and show her a few 9 hundred dollars. Joanne, I have the money, I 10 have to put it in the box. 11 And then, you know, to deal with 12 the SSD, this Wells Fargo later, but this was, 13 this thing was moving kind of crazy, so at times 14 I didn't have a chance to go to Wells Fargo. 15 There was no Wells Fargo in my 16 neighborhood or by my office, but I just was 17 following what she wanted to keep her as calm as 18 I could. We did what we had to do. 19 Q. I have just a few more questions. 20 Can you take a look at -- do you know how much 21 money is still in the lockbox? 22 A. I'm guessing somewhere around 23 between four and \$5,000. 24 Q. Can you take a look at what's been 25 marked as Pinto Exhibit 17.</p>

1 Esaun Pinto 2 MR. FANTONE: Seventeen? 3 MR. MANCILLA: Yes, 17. 4 A. That's something that we had 5 earlier. 6 MR. MANCILLA: He's got it over 7 there. 8 A. Yeah, I got it. 9 Q. You testified earlier that this was 10 an email from Bernard to you dated September 4, 11 2014, right? 12 A. Right. 13 Q. The second to last paragraph he 14 writes, I am willing to pay for your time in 15 addition to your normal time with Joanne. In 16 the context of this email, what is he talking 17 about there? 18 A. We had just, we had just had a 19 conversation. I don't know if that email is 20 part of the exhibits, where he was upset for 21 Cherie doing the same exact thing. So he was 22 upset that, and he alleges that I overbilled him 23 by going over the flat rate and charging him for 24 the time, the additional time that I spent with 25 Cherie.	Page 266	1 Esaun Pinto 2 there is no divide. I send Cherie an email, I 3 cc Bernard, I send Bernard an email, I cc Cherie 4 and vice versa. 5 From this time Bernard wants 6 certain things in Colorado and I believe Cherie 7 wants certain things in Colorado, this is where 8 it starts. 9 Q. Do you know what they wanted? 10 A. Guardianship and conservatorship. 11 Q. Did you ever communicate that to 12 Joanne? 13 A. No, that's not my place. All the 14 conflict between me and Bernard prior to this 15 time period were worked out between me and 16 Bernard. If there were objections in the 17 invoices, we worked it out. After this, we only 18 survived as a team collectively for a couple of 19 weeks after this, after this argument. 20 Q. This was around the time that 21 Bernard came to visit Joanne for the first time, 22 right? 23 A. This is September 4th? 24 Q. Yes. 25 A. He hadn't gotten there yet, he came	Page 268
1 Esaun Pinto 2 What I mean by that, if our flat 3 rate in his mind was based on three visits this 4 week, and I spent those three, those three 5 visits are based on a five-hour minimum which is 6 how we bill. 7 If I spent additional time with 8 Cherie or with Cherie and the doctors or 9 whatever the case was, Bernard gave me a hard 10 time about that. 11 What he's doing here is I'm willing 12 to pay for your time in addition to the normal 13 time you spend with Joanne to the extent that 14 this unfortunate conflict between me and Cherie 15 causes you to spend extra time on this matter. 16 We had just gotten into a conflict 17 over the same issue, but this was another way of 18 Bernard saying I'll take care of your conflict 19 with money. I'll pay you to go my direction, he 20 did that a number of times and I never 21 appreciated it. 22 Q. What do you mean my direction? 23 A. Because, again, we're talking about 24 the time, this is the moment in Joanne's case 25 where there becomes a divide. Prior to this	Page 267	1 Esaun Pinto 2 a week or so later. 3 Q. Do you know why he came that 4 particular date as opposed to any other date? 5 A. He says it in here somewhere. He 6 didn't fly to New York just to see his sister as 7 the great big brother. He had a conference in 8 New York, and he visited Joanne around his 9 conference schedule. It's in one of these 10 emails. 11 Q. You testified about -- sorry, when 12 Joanne was hospitalized, there were certain 13 possessions of hers that had to be taken care 14 of, do you recall that testimony? 15 A. You're talking about the stuff in 16 Colorado, what are you talking about? 17 Q. Yeah, I guess. 18 A. There were -- 19 MR. SCHAAALMAN: Objection to form. 20 Q. I think that you testified earlier 21 that there were certain objects of Joanne's that 22 needed to go into storage, do you recall that 23 testimony? 24 MR. SCHAAALMAN: Objection to form. 25 A. Yes, there were two sets of items.	Page 269

1 Esaun Pinto 2 Well, there were three sets of items. Joanne's 3 items that she traveled back from Colorado with, 4 there were items that were left in Colorado, and 5 then there were items that Bernard was in 6 possession of. 7 Q. Okay, putting aside the ones that 8 Bernie had, or the ones that she left in 9 Colorado that needed to be put into storage, do 10 you recall that testimony before? 11 A. Yes, but let me correct it if I 12 said it that way. They weren't put into 13 storage. This is the same hotel that I found 14 Joanne at, so it appeared that Joanne was still 15 renting a room there. There was no storage 16 facility, we were invoiced by the hotel as if 17 Joanne still was there. 18 Q. How did you pay for that? 19 A. I believe I paid with my credit 20 card. 21 Q. Your personal credit card? 22 A. I believe so. 23 Q. Were there any other items stored? 24 A. It was just Joanne's bags. 25 Q. Where were they stored?	Page 270	1 Esaun Pinto 2 MR. MANCILLA: Withdrawn. 3 Q. I think you testified that Joanne 4 expressed a desire to see Anthony Dain at some 5 point? 6 A. Sure. 7 MR. SCHAALMAN: Object to form. 8 Q. Do you recall when Joanne requested 9 to you to see Anthony Dain? 10 A. I don't remember exactly. However, 11 at the time when I would go to see Joanne in 12 Colorado, when I made contact, Anthony Dain was 13 the only person in Joanne's family that Joanne 14 was favorable about, he was the only person. 15 She spoke highly of Anthony Dain. 16 She was afraid of Cherie at the time, she was 17 afraid of Bernard at the time, and she would 18 tell me she loves her cousin Tony, he's an 19 attorney, he might help. 20 Q. Did she ever explain why she held 21 that view of Anthony Dain? 22 A. She just thought Tony was 23 brilliant. 24 Q. With respect to communications 25 involving Joanne, you said you didn't read	Page 272
1 Esaun Pinto 2 A. At the hotel. 3 Q. In New Jersey, were there ever -- 4 MR. MANCILLA: Withdrawn. 5 Q. Were you reimbursed, if you recall, 6 were you reimbursed for all the expenses paying 7 for the hotel? 8 MR. SCHAALMAN: Object to the form. 9 A. I don't remember if, I don't 10 remember if I even invoiced for it, I don't 11 know. I don't remember. 12 Q. And did there come a point in time 13 in New Jersey where there were additional items 14 that had to be put into storage because she was 15 hospitalized? 16 A. Sure. 17 Q. How did you pay for those items 18 that had to be placed into storage? 19 A. I believe with a credit card. 20 Q. Which credit card was this? 21 A. My own personal. 22 Q. Did you itemize those expenses on 23 any invoices, to the best of your knowledge? 24 A. I don't remember. I don't know. 25 Q. Do you recall --	Page 271	1 Esaun Pinto 2 emails at times concerning the various 3 litigations that were going on, do you recall 4 that this morning? 5 MR. SCHAALMAN: Object to the form. 6 A. Do I recall saying that? 7 Q. Yes. 8 A. Yes. 9 Q. In those communications, however or 10 during, when you received those communications 11 or communicated with Ira, Cherie Wrigley, 12 Anthony Dain, or others that ultimately have 13 ended up being defendants in this litigation, 14 did you consider those communications 15 confidential? 16 MR. SCHAALMAN: Objection to form. 17 A. If you're asking me when I met with 18 Ira and what we consider the team, if what was 19 going on in the team was confidential, it was 20 confidential to the team. 21 Q. And what was the team's goal? 22 A. Just to get Joanne better and try 23 to, try to allow her to live the best life she 24 could live. 25 Q. Did all the members of that team	Page 273

1 Esaun Pinto 2 have that common purpose? 3 MR. SCHAALMAN: Objection, form. 4 A. I believe they did, yeah. 5 MR. MANCILLA: I have nothing 6 further. Thank you. 7 MR. SCHAALMAN: Tony, anything? 8 Tony, are you there still? 9 MR. DAIN: No, I'm sorry, I am 10 here. Thank you, thank you, Mr. Pinto, and 11 I have no questions. 12 MR. SCHAALMAN: We'll take a 13 minute. Off the record. 14 (A recess was taken from 7:18 p.m. 15 until 7:21 p.m.) 16 MR. SCHAALMAN: It's now 17 approximately 7:22 in the evening, and I 18 still have additional questions. 19 And I respect that the court 20 reporter has been here all day and is weary 21 and has to come back tomorrow morning, and 22 we have to respect that and I want to 23 respect that and I will respect that. 24 So I've offered to finish up Mr. 25 Pinto over the telephone, given that I	Page 274	1 2 I N D E X 3 WITNESS EXAMINATION BY PAGE 4 Esaun Pinto Mr. Schaalman 4 Mr. Katz 202 5 Ms. Hoskinson 208 Mr. Mancilla 210 6 7 E X H I B I T S 8 PINTO DESCRIPTION PAGE 9 Exhibits 9 1-19 Nineteen emails and documents 4 10 Exhibit 20 9/11/14 email 74 11 Exhibit 21 9/18/14 email 88 12 Exhibit 22 9/20/14 email 88 13 Exhibit 23 9/24/14 email 88 14 15 Exhibits 15 24-26 Three email chains 121 16 Exhibit 27 Email chain 141 17 Exhibit 28 Email chain 158 18 Exhibit 29 Details of invoices 158 19 Exhibit 30 Email chain 158 20 Exhibit 31 Email chain 158 21 Exhibit 32 Email chain 158 22 Exhibit 33 Email chain 170 23 Exhibit 34 Email chain 170 24 Exhibit 35 6/29/09 Presentence Report for Esaun G. 25 Pinto, Sr. 202	Page 276
1 Esaun Pinto 2 don't know when this august group of 3 lawyers will get together again for other 4 discovery. 5 But maybe it can also be worked out 6 in conjunction with another deposition, but 7 I'm also willing to do it by phone. So 8 with that, we'll quit for the night. 9 MR. FANTONE: All right. 10 11 [TIME NOTED: 7:22 p.m.] 12 13 _____ 14 _____ 15 Subscribed and sworn to 16 before me this _____ 17 day of _____, 18 2019. 19 20 _____ 21 Notary Public 22 23 24 25	Page 275	1 2 E X H I B I T S 3 (Continued) 4 PINTO DESCRIPTION PAGE 5 Exhibit 36 Email chain 213 6 Exhibit 37 Pinto EDNY 000010 215 7 Exhibit 38 Pinto EDNY 26 220 8 Exhibit 39 Pinto EDNY 36-40 227 9 Exhibit 40 Pinto EDNY 45-50 228 10 Exhibit 41 Services List 232 11 Exhibit 42 Pinto EDNY 53-54 238 12 Exhibit 43 10/5/15 Invoice 242 13 Exhibit 44 Pinto EDNY 55-58 246 14 Exhibit 45 Pinto EDNY 65-67 247 15 Exhibit 46 Pinto EDNY 81-86 253 16 17 18 19 20 21 22 23 24 25	Page 277

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2 CERTIFICATION

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4 I, Alice Schulman, a Notary Public for and
5 within the State of New York, do hereby certify:
6 That the witness whose testimony as herein
7 set forth, was duly sworn by me; and that the
8 within transcript is a true record of the
9 testimony given by said witness.

10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage, and that I am in no way interested in
13 the outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 15th day of May, 2019.

16



17 ALICE SCHULMAN

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2 ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

3

CASE NAME: BLACK v. DAIN ET AL

4 DATE OF DEPOSITION: MAY 8, 2019

WITNESS' NAME: ESAUN PINTO

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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